

THE
FEDERAL CONSTITUTION

OF THE

United States of America,

AGREED UPON IN A

CONVENTION OF THE STATES,

In 1787,

WITH THE

ALTERATIONS AND ADDITIONS THAT HAVE
BEEN MADE SINCE THAT PERIOD,

AND THE

ORDER OF TIME OF RATIFYING THE CONSTITUTION,

TO WHICH IS ADDED

A N A P P E N D I X,

CONTAINING THE

ACTS PASSED BY CONGRESS

RELATIVE TO

THE CONSTITUTION.

THE THIRD EDITION,

WITH CONSIDERABLE ADDITIONS.

L L O N D O N :

Printed for J. DEBRETT, opposite BURLINGTON HOUSE,
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Re: June 1. 1841

P R E F A C E

TO THE

FIRST EDITION.

AS the sudden rise of a new Empire in the World, constituted on principles of Government essentially different from the old, cannot fail to draw the notice of European politicians; every circumstance relating thereto must necessarily become interesting and important.

The States of America are thirteen in number.* Each of those has an internal Government for the management of its domestic affairs: but, for the conducting of such matters of general concern, which equally relate to all the several parts, each of the States send Deputies to meet in Congress, which, when met, were called THE UNITED STATES IN CONGRESS ASSEMBLED.

The original powers given to Congress were principally for the purpose of conducting the war; and though it essentially answered that purpose, experience has proved it is not adequate to all the circumstances of peace.

Very little defined power was necessary to be given to Congress during the war, because the spirit of the country being uniformly directed to one point, that of establishing its Independence, required little more on the part of Congress than an

* Since increased to fifteen States, by the admission of the States of *Kentucky* and *Vermont* into the Union; by acts of Congress, February 4 and 18, 1791.

arrangement of the measures by which the country was to act. The power, therefore, of Congress was chiefly discretionary : and though this was the most proper for a state of war, yet it was not consistent with the principles of freedom in time of peace, which required a *legally defined power*, in preference to a discretionary one.

As it is a leading principle with the Americans (and certainly a very wise one) never to preclude themselves or their posterity the benefit of experience, the American Governments contain a provision for revising them at future periods, by electing conventions originally from the people for that end.

It was for this purpose, and on this principle, that the Convention which sat during the last Summer at the city of Philadelphia, and of which General Washington was President, was appointed.* The plan which the Convention have digested is now made public, and is contained in the following sheets, together with the President, General Washington's letter to Congress, inclosing the same, to be communicated to the several States.

Some of the newspapers mentioned a strong opposition between General Washington and Doctor Franklin for the Presidency, and that General Washington was elected by a majority of one vote. We have authority to contradict this account. The fact is, that General Washington was elected with *one voice*, and not by a majority of one. Dr. Franklin, as the senior person of the Convention, and who is already President of the State of Pennsylvania, was the Member who put General Washington in nomination, and he was conducted to the Chair with a unanimous voice.

P R E F A C E

TO THE

IMPROVED EDITION.

WHEN, after the calamities of war, the people of America sat down to frame a constitution, they appeared to be disgusted with all the constitutions of all the European nations—they appeared to have discovered that the most popular of them contained no principles sufficiently energetic to repress the inordinate ambition, the insatiable avarice, and profusion of persons entrusted with the executive government—they appeared to have discovered that, however sound the original principles of these constitutions might be, their influence was so very limited, that the principles themselves were rapidly becoming obsolete. They saw that abuses, which had long existed, were held to be too sacred to be touched by the rude hand of innovation—and they found, that the rust which cankered and corroded the sound body was worshipped with a

4 veneration

eneration equal to that with which the Egyptians worshipped
noxious and venemous animals—

Quis nescit, qualia demens

Ægyptus portenta colat & crocodilon adorat

Pars hæc ; illa pavet saturam serpentibus Ibin. Juv.

The members of the American convention began their great work with a sober sense of the infirmities of human nature, and with a due diffidence and distrust of their own abilities—they neither conceived that the constitution which they should frame would be so perfect as to render it incapable of improvement—nor did they bind their posterity to adopt the same regulations which they established for themselves.—They explicitly declared in the constitution of 1787, that “the Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this constitution, or on the application of the legislature of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, &c.”

Since the year 1787 many important alterations and additions have been made to the constitution, which will be found in the present improved edition.—The Public will also find in this edition, an Appendix, in which are contained all the acts passed by the Congress relative to the constitution.

LONDON,

Aug. 30, 1794.

THE

THE following exhibits at one view the order, time, &c,
in which the several States ratified the FEDERAL CONSTITUTION:

			Major.
1787.	December 3.	Delaware	unanimously.
	13.	Pennsylvania	46 to 23 23
	19.	New Jersey	unanimously.
1788.	January 2.	Georgia	unanimously.
	9.	Connecticut	128 to 40 88
	February 6.	Massachusetts	187 to 168 19
	April 28.	Maryland	63 to 12 51
	May 23.	South Carolina	149 to 73 76
	June 21.	New Hampshire	57 to 46 11
	25.	Virginia	89 to 79
	July 26.	New York	30 to 25 5
1789.	November 27.	North Carolina	193 to 75 118
1790.	May 29.	Rhode Island	2
1791.	January 10.	Vermont	by a great majority.
1792.	June 1.	Kentucky	ditto.

The first Congress under the New Constitution met at *New York*, *March 4*, 1788, and after two long sessions adjourned to *Philadelphia*. The first session which was held there was on *December 4*, 1790, and the session concluded on *March 3*, 1791.

Eleven States only had adopted the New Constitution at the time of the first session of Congress under it; but the two deliberating States, viz. *North Carolina* and *Rhode Island*, soon acceded, and their Delegates were admitted in Congress.

Two new States, viz. *Kentucky* and *Vermont*, were admitted into the Union in *February*, 1791; so that the *American Union* now consists of *Fifteen States*.

AMERICAN KALENDAR, 1794.

This Day is Published, Price 2s. 6d.

Printed uniformly, to bind with the ROYAL KALENDAR
and COURT and CITY REGISTER,

(To be CONTINUED ANNUALLY, and will be carefully corrected to the Time of Publication)

The AMERICAN KALENDAR, Or UNITED STATES REGISTER for 1794;

Containing a COMPREHENSIVE VIEW of the SITUATION, Revenues, Taxes, Extent, Latitude and Longitude of the principal Towns, and their Vicinity, GOVERNMENT, POPULATION, INTERNAL POLICE, State of Literature, ARTS, COMMERCE and Society, in the UNITED STATES of AMERICA, under the following Heads;

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LEGISLATURE, including correct Lists of the SENATE and HOUSE of REPRESENTATION, with their Pay for Attendance, &c.

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Printed for J. DEBRETT, opposite *Burlington House, Piccadilly.*

Of whom may be had The REPORT of ALEXANDER HAMILTON, Esq. Secretary of the Treasury of the United States of America, on the SUBJECT of MANUFACTURES. Price 2s. 6d.

NEW CONSTITUTION, &c.

PREAMBLE TO THE CONSTITUTION.

We, the people of the United States, in order to form a more perfect union, establish justice, ensure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty, to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

Sect. 1. **A**LL the legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.

Sect. 2. The House of Representatives shall be composed of Members chosen every second year, by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within

B

every

every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives* shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware, one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five; and Georgia, three.

When vacancies happen to the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall chuse their Speaker and other officers; and shall have the sole power of impeachment.

Sect. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator, who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they may be equally divided.

The Senate shall chuse their other officers, and also a President *pro tempore*, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

* Vid. Appendix A.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation.—When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the Members present.

Judgment in cases of impeachment shall not extend farther than to removal from office, and disqualification to hold and enjoy any office of honour, trust, or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Sect. 4. The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof: but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

Sect. 5. Each House shall be the judge of the elections, returns, and qualifications, of its own Members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorised to compel the attendance of absent Members, in such manner, and under such penalties, as each House may provide.

Each House may determine the rules of its proceedings, punish its Members for disorderly behaviour, and, with the concurrence of two-thirds, expel a Member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the Members of either House, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Sect. 6. The Senators and Representatives shall receive a* compensation for their services, to be ascertained by law, and

* Vid. the Appendix B.

paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same: and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emolument whereof shall have been increased during such time; and no Person holding any office under the United States, shall be a Member of either House during his continuance in office.

Sect. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with the amendments as on other bills.

Every bill which shall have passed the House of Representatives and Senate, shall, before it become a law, be presented to the President of the United States; if he approve, he shall sign it; but if not, he shall return it with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to re-consider it. If, after such re-consideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be re-considered; and if, approved by two-thirds of the House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return; in which case it shall not be a law.

Every order, resolution, or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and, before the same shall take effect, shall be approved by him, or being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Sect. 8. The Congress shall have a power to lay and collect

lect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises, shall be uniform throughout the United States.

To borrow money on the credit of the United States.

To regulate commerce with foreign nations, among the several States, and with the Indian tribes.

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.

To provide for the punishment of counterfeiting the securities and current coin of the United States.

To establish post-offices and post-roads.

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

To constitute tribunals inferior to the Supreme Court.

To define and punish piracies and felonies committed on the high seas, and offences against the law of nations.

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions.

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia, according to the discipline prescribed by Congress.

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State, in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings. And

To

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers, vested by this Constitution in the Government of the United States, or in any department or office thereof.

Sect. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress, prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *Habeas Corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder, or *ex post facto* law, shall be passed.

No capitation, or other direct tax, shall be laid, unless in proportion to the *census*, or enumeration herein-before directed to be taken.

No tax or duty shall be laid on articles exported from any State. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the Treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind, whatever, from any King, Prince, or Foreign State.

Sect. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts, or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the neat produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the Treasury of the United States; and all such law shall be subject to the revision and controul of the Congress. No State shall, without the
consent

consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement of compact with another State, or with a Foreign Power, or engage in a war, unless actually invaded, or in such imminent danger, as will not admit of delay.

ARTICLE II.

Sect. 1. The executive power shall be vested in a * President of the United States of America. He shall hold his office during the term of four years; and, together with the Vice President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office or trust, or profit, under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States, and vote by ballot for two persons, of whom one, at least, shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a Member or Members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of voters of the Electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

* Vide the Appendix C.

The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes ; which day shall be the same throughout the United States.

No person, except a natural-born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President ; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President ; and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a * compensation, which shall neither be increased or diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation :

“ I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend, the Constitution of the United States.”

Sect. 2. The President shall be Commander in Chief of the army † and navy of the United States, and of the militia of the several States, when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur ; and he shall nominate, and by and with the advice and consent of the Senate shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose

* Vide the Appendix D.

† Vide Appendix E.

appointments are not herein otherwise provided for, and which shall be established by law.* But the Congress may by law vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

Sect. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient: he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Sect. 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

Sect. 1. The† judicial power of the United States shall be vested in one Supreme Court, and such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the Supreme and Inferior Courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation,‡ which shall not be diminished during their continuance in office.

Sect. 2. The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Ambassadors, other public Ministers and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies, to which the United States shall be party; to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State claiming

* Vid. the Appendix F.

† Vid. Appendix H.

‡ Vid. the Appendix G.

lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting Ambassadors, other public Ministers, and Consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by Jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Sect. 3. Treason against the United States shall consist only in* levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood or forfeiture, except during the life of the person attainted.

ARTICLE IV.

Sect. 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings, shall be proved, and the effect thereof.

Sect. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labour in one State, under the laws thereof, escaping into any other, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

Sect. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected

* Vide the Appendix I.

within

within the jurisdiction of any other State; nor any State be formed by junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Sect. 4. The United States shall guarantee to every State in this Union a Republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the executive (when the Legislature cannot be convened) against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted, and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State shall be bound thereby; any thing in the Constitution or Laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratification of the Convention of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in Convention, by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON, President,
And Deputy from Virginia.

NEW HAMPSHIRE

MASSACHUSETTS

CONNECTICUT

NEW YORK

NEW JERSEY

PENNSYLVANIA

{ John Langdon,
 { Nicholas Gilman,
 { Nathaniel Gorham,
 { Rufus King,
 { William Samuel Johnson,
 { Roger Sherman,
 Alexander Hamilton,
 { William Livingston,
 { David Brearly,
 { William Paterfon,
 { Jonathan Dayton,
 { Benjamin Franklin,
 { Thomas Mifflin,
 { Robert Morris,
 { George Clymer,
 { Thomas Fitzsimons,
 { Jared Ingersol,
 { James Wilson,
 { Gouverneur Morris,

DELAWARE

DELAWARE	{ George Read, Gunning Bedford, jun, John Dickenson, Richard Bassett, Jacob Broom.
MARYLAND	{ James M ^c Henry, Daniel of St. Tho. Jenifer, Daniel Carrol.
VIRGINIA	{ John Blair, James Madison, jun.
NORTH CAROLINA	{ William Blount, Richard Dobbs Spaight, Hugh Williamson.
SOUTH CAROLINA	{ John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney, Pierce Butler.
GEORGIA	{ William Few, Abraham Baldwin.

Attest. WILLIAM JACKSON, *Secretary*:

In CONVENTION, Monday, September 17, 1787.

PRESENT,

The States of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton, from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia:

RESOLVED,

THAT the preceding Constitution be laid before the United States in Congress assembled; and it is the opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each Convention assenting to, and ratifying the same, should give notice thereof to the United States in Congress assembled.

Resolved, That it is the opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a day on which Electors should be appointed by the States which shall have ratified the same, and a day on which the Elec-

tors should assemble to vote for the President, and the time and place for commencing proceedings under this Constitution. That after such publication the Electors shall be appointed, and the Senators and Representatives elected: that the Electors should meet on the day fixed for the election of the President, and should transmit their votes certified, signed, sealed, and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting, the votes for President; and that, after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

By the unanimous Order of the Convention.

GEORGE WASHINGTON, President.

William Jackson, Secretary.

N. B. Agreeably to this resolution, the New Constitution (which is now fully established by the means therein contained) was forwarded to the President of the (Old) Congress then in being, accompanied by the following letter from the President of the Convention. The Congress on the new establishment was elected the following year, and GENERAL WASHINGTON unanimously elected President.

In CONVENTION, September 17, 1787.

S I R,

WE have now the honour to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most adviseable.

The friends of our country have long seen and desired, that the power of making war, peace, and treaties, that of levying money, and regulating commerce, and the correspondent executive and judicial authorities, should be fully and effectually vested in the general Government of the Union; but the impropriety of delegating such trust to one body of men is evident. Hence results the necessity of a different organization.

It is obviously impracticable, in the Fœderal Government of these States, to secure all rights of Independent Sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained.

obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and, on the present occasion, this difficulty was increased by a difference among the several States, as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject, we kept steadily in our view, that which appears to us the greatest interest of every true American—the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude than might have been otherwise expected; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference on concession, which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every State, is not, perhaps, to be expected; but each will doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country, so dear to us all, and secure her freedom and happiness, is our ardent wish.

With great respect,

We have the honour to be,

Sir,

Your Excellency's most

Obedient and humble servant,

GEORGE WASHINGTON, President.

By unanimous order of the Convention.

His Excellency the President of Congress.

CONGRESS

CONGRESS of the United STATES, begun and held at the City of New York, on Wednesday the 4th of March, 1789.

The Conventions of a number of the States having, at the time of their adopting the CONSTITUTION, expressed a desire, in order to prevent misconstruction or abuse of its power, that further declaratory and restrictive Clauses should be added: And as extending the ground of public confidence in the Government will best ensure the beneficent ends of its institution,

RESOLVED, by the SENATE and HOUSE of REPRESENTATIVES of the United States of America, in Congress assembled, two-thirds of both Houses concurring, That the following Articles be proposed to the legislatures of the several states, as amendments to the Constitution of the United States, all or any of which Articles when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.

ARTICLES in addition to, and amendment of, the CONSTITUTION of the UNITED STATES of AMERICA, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution.

ARTICLE I.

After the first enumeration required by the first Article of the Constitution, there shall be one Representative for every thirty thousand, until the number shall amount to one hundred, after which the proportion shall be so regulated by Congress, that there shall not be less than one hundred Representatives, nor less than one Representative for every forty thousand persons, until the number of Representatives shall amount to two hundred; after which the proportion shall be so regulated by Congress, that there shall not be less than two hundred Representatives, nor more than one Representative for every fifty thousand persons.

ARTICLE II.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

ARTICLE

A R T I C L E III.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

A R T I C L E IV.

A well-regulated Militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

A R T I C L E V.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

A R T I C L E VI.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

A R T I C L E VII.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

A R T I C L E VIII.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation;

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to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

ARTICLE IX.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE X.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE XI.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE XII.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Attest. JOHN BECKLEY, *Clerk of the House of Representatives,*
SAM. A. OTIS, *Secretary of the Senate.*

THE STATE OF KENTUCKY.

An Act, declaring the consent of Congress, that a new State be formed within the jurisdiction of the Commonwealth of Virginia, and admitted into this Union, by the name of the STATE of KENTUCKY.

WHEREAS the Legislature of the Commonwealth of Virginia, by an Act entitled, "An Act concerning the erec-

* Vide the Appendix, in K. L. and M.

"tion of the district of Kentucky into an independent State," passed the 18th day of December, 1789, have consented that the district of Kentucky within the jurisdiction of the said Commonwealth, and according to its actual boundaries at the time of passing the act aforesaid, should be formed into a new state: And whereas a Convention of Delegates, chosen by the people of the said district of Kentucky, have petitioned Congress to consent that on the first day of June, 1792, the said district should be formed into a new state, and received into the Union by the name of "the State of Kentucky."

Sec. I. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, and it is hereby enacted and declared, That the Congress doth consent, that the said district of Kentucky, within the jurisdiction of the Commonwealth of Virginia, and according to its actual boundaries, on the 18th day of December, 1789, shall, upon the first day of June, 1792, be formed into a new state separate from, and independent of, the said Commonwealth of Virginia.*

Sec. II. *And be it further enacted and declared, That upon the aforesaid first day of June, 1792, the said new state, by the name and stile of the State of Kentucky, shall be received and admitted into this Union, as a new and entire Member of the United States of America.*

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, February 4th, 1791.

GEORGE WASHINGTON,
President of the United States.

THE STATE OF VERMONT.

*An Act for the ADMISSION of the STATE of VERMONT
into this UNION.*

THE State of Vermont having petitioned the Congress to be admitted a Member of the United States, *Be it enacted by the Senate and House of Representatives of the United States of America,*

America, in Congress assembled, and it is hereby enacted and declared, That on the 4th day of March, 1791, the said State, by the name and stile of "the State of Vermont," shall be received and admitted into this Union, as a new and entire Member of the United States of America.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, February 18th, 1791.
GEORGE WASHINGTON,
President of the United States.

An ACT regulating the number of REPRESENTATIVES to be chosen by the States of KENTUCKY and VERMONT.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That until the Representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the States of Kentucky and Vermont shall each be entitled to choose two Representatives.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, February 25th, 1791.
GEORGE WASHINGTON,
President of the United States.

APPENDIX.

APPENDIX A.

CHAPTER XXIII.

AN Act for apportioning Representatives among the several States, according to the first enumeration.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the third day of March, one thousand seven hundred and ninety three, the House of Representatives shall be composed of members elected agreeably to a ratio of one member for every thirty-three thousand persons in each State, computed according to the rule prescribed by the Constitution; that is to say, within the State of New Hampshire, four; within the State of Massachusetts, fourteen; within the State of Vermont, two; within the State of Rhode Island, two; within the State of Connecticut, seven; within the State of New York, ten; within the State of New Jersey, five; within the State of Pennsylvania, thirteen; within the State of Delaware, one; within the State of Maryland, eight; within the State of Virginia, nineteen; within the State of Kentucky, two; within the State of North Carolina, ten; within the State of South Carolina, six; and within the State of Georgia, two Members.

JONATHAN TRUMBULL, *Speaker of
House of Representatives.*

JOHN ADAMS, *Vice President of the
United States, and President of the Senate.*

Approved, April 14, 1792.
GEO. WASHINGTON,
President of the United States.

CHAPTER II.

*An ACT providing for the ENUMERATION of the INHABITANTS of
the United States.*

SECT. I. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Marshals of the several districts of the United States shall be, and they are hereby authorized

thorized and required to cause the number of the inhabitants within their respective districts to be taken, omitting in such enumeration Indians not taxed, and distinguishing free persons, including those bound to service for a term of years, from all others, distinguishing also the sexes and colours of free persons, and the free males of sixteen years and upwards, from those under that age; for effecting which purpose, the Marshals shall have power to appoint as many assistants within their respective districts as to them shall appear necessary; assigning to each assistant a certain division of his district, which division shall consist of one or more counties, cities, towns, townships, hundreds, or parishes, or of a territory plainly and distinctly bounded by water-courses, mountains, or public roads. The Marshals and their assistants shall respectively take an oath or affirmation, before some judge or justice of the peace resident within their respective districts, previous to their entering on the discharge of the duties by this act required. The oath or affirmation of the Marshal shall be, "I A. B. Marshal of the district of do solemnly swear (or affirm) that I will well and truly cause to be made, a just and perfect enumeration and description of all persons resident within my district, and return the same to the President of the United States, agreeably to the direction of an act of Congress, entitled, "An Act providing for the Enumeration of the Inhabitants of the United States," according to the best of my ability." The oath or affirmation of an assistant shall be, "I A. B. do solemnly swear (or affirm) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me by the Marshal of the district of and make due return thereof to the said Marshal, agreeably to the direction of an act of Congress, entitled, "An Act providing for the Enumeration of the Inhabitants of the United States, according to the best of my ability." The enumeration shall commence on the first Monday in August next, and shall close within nine calendar months thereafter: the several assistants shall, within the said nine months, transmit to the Marshals, by whom they shall be respectively appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions, which returns shall be made in a Schedule, distinguishing the several families by the names of their master, mistress, steward, overseer, or other principal person therein, in manner following; that is to say:

The number of persons within my division, consisting of appears in a Schedule hereto annexed, subscribed by me this day of

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A. B. Assistant to the Marshal of

SCHEDULE of the whole Number of Persons within the Division allotted to A. B.

of the

Schedule.	Names of heads of families.	Free white males of sixteen years and upwards, including heads of families.	Free white males under sixteen years.	Free white females, including heads of families.	All other free persons.	Slaves.
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SECT.

SECT. II. *And be it further enacted,* That every Assistant failing to make return, or making a false return of the enumeration to the Marshal, within the time by this act limited, shall forfeit the sum of two hundred dollars.

SECT. III. *And be it further enacted,* That the Marshals shall file the several returns aforesaid with the clerks of their respective district courts, who are hereby directed to receive and carefully preserve the same: and the Marshals respectively shall, on or before the first day of September, one thousand seven hundred and ninety one, transmit to the President of the United States, the aggregate amount of each description of persons within their respective districts. And every Marshal failing to file the returns of his Assistants, or any of them, with the clerks of their respective district courts, or failing to return the aggregate amount of each description of persons in their respective districts, as the same shall appear from the said returns of the President of the United States, within the time limited by this act, shall, for every such offence, forfeit the sum of eight hundred dollars; all which forfeitures shall be recoverable in the courts of the districts where the offences shall be committed, or in the circuit courts to be held within the same, by action of debt, information, or indictment, the one half thereof to the use of the United States, and the other half to the informer; but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And for the more effectual discovery of offences, the Judges of the several district courts, at their next sessions to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed, to the President of the United States, shall give this act in charge to the Grand Juries, in their respective courts, and shall cause returns of the several Assistants to be laid before them for their inspection.

SECT. IV. *And be it further enacted,* That every Assistant shall receive at the rate of one dollar for every one hundred and fifty persons by him returned, where such persons reside in the country; and where such persons reside in a city, or town, containing more than five thousand persons, such Assistant shall receive at the rate of one dollar for every three hundred persons; but where, from the dispersed situation of the inhabitants in some divisions, one dollar for every one hundred and fifty persons shall be insufficient, the Marshals, with the approbation of the Judges of their respective districts, may make such further allowance to the Assistants in such divisions as shall be deemed an adequate compensation, provided the same does not exceed one dollar for every fifty persons by them returned. The several Marshals shall receive as follows:

- The Marshal of the district of Maine, two hundred dollars.
- The Marshal of the district of New Hampshire, two hundred dollars.
- The Marshal of the district of Massachusetts, three hundred dollars.
- The Marshal of the district of Connecticut, two hundred dollars.
- The Marshal of the district of New York, three hundred dollars.
- The Marshal of the district of New Jersey, two hundred dollars.
- The Marshal of the district of Pennsylvania, three hundred dollars.
- The Marshal of the district of Delaware, one hundred dollars.
- The Marshal of the district of Maryland, three hundred dollars.
- The Marshal of the district of Virginia, five hundred dollars.
- The Marshal of the district of Kentucky, two hundred and fifty dollars.
- The Marshal of the district of North Carolina, three hundred and fifty dollars.

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The Marshal of the district of South Carolina, three hundred dollars.
 The Marshal of the district of Georgia, two hundred and fifty dollars.
 And to obviate all doubts which may arise respecting the persons to be returned, and the manner of making returns,

SECT. V. *Be it enacted*, That every person whose usual place of abode shall be in any family on the aforesaid first Monday in August next, shall be returned as of such family, and the name of every person who shall be an inhabitant of any district, but without a settled place of residence, shall be inserted in the column of the aforesaid schedule, which is allotted for the heads of families, in that division where he or she shall be on the said first Monday in August next; and every person occasionally absent at the time of the enumeration, as being to that place in which he usually resides in the United States.

SECT. VI. *And be it further enacted*, That each and every person more than sixteen years of age, whether heads of families or not, belonging to any family within any division of a district made or established within the United States, shall be, and hereby is obliged to render to such Assistant of the division, a true account if required, to the best of his or her knowledge, of all and every person belonging to such family respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered by such Assistant, the one half for his own use, and the other half for the use of the United States.

SECT. VII. *And be it further enacted*, That each Assistant shall, previous to making his return to the Marshal, cause a correct copy, signed by himself, of the schedule, containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said Assistant shall be entitled to receive two dollars, provided proof of a copy of the schedule having been so set up, and suffered to remain, shall be transmitted to the Marshal, with the return of the number of persons; and in case any Assistant shall fail to make such proof to the Marshal, he shall forfeit the compensation by this act allowed him.

FREDERICK AUGUSTUS MUHLENBURGH,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, March 1, 1790.

GEORGE WASHINGTON,
President of the United States.

CHAPTER III.

An ACT to establish an uniform Rule of NATURALIZATION.

SEC. I. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That any alien being a free white person, who shall have resided within the limits, and under the jurisdiction of the United States for the term of two years, may be admitted to become a citizen thereof, on application to any common law court of record, in any one of the States where he shall have resided for the term of one year at least, and making proof to the satisfaction of such court, that he is a person of good character, and taking the oath

oath or affirmation prescribed by law, to support the Constitution of the United States, which oath, or affirmation, such court shall administer, and the clerk of such court shall record such application, and the proceedings thereon; and therefore, such person shall be considered as a citizen of the United States. And the children of such person, so naturalized, dwelling within the United States, being under the age of twenty-one years, at the time of such naturalization, shall also be considered as citizens of the United States. And the children of citizens of the United States, that may be born beyond sea, or out of the limits of the United States, shall be considered as natural born Citizens: *Provided*, that the right of Citizenship shall not descend to persons whose fathers have never been resident in the United States: *Provided also*, that no person heretofore proscribed by any State, shall be admitted a Citizen as aforesaid, except by an act of the Legislature of the State in which such person was proscribed.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, March 26, 1790.
GEORGE WASHINGTON,
President of the United States.

APPENDIX B.

CHAPTER XVII.

An ACT for allowing COMPENSATION to the Members of the Senate and House of Representatives of the United States, and to the Officers of both Houses.

SEC. I. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That at every Session of Congress, and at every meeting of the Senate in the recess of Congress, prior to the fourth day of March, in the year one thousand seven hundred and ninety-five, each Senator shall be entitled to receive six dollars for every day he shall attend the Senate; and shall also be allowed, at the commencement and end of every such session and meeting, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress: And in case any Member of the Senate shall be detained by sickness on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided always*, that no Senator shall be allowed a sum exceeding the rate of six dollars a day, from the end of one such session or meeting to the time of his taking a seat in another.

SEC. II. *And be it further enacted,* That at every Session of Congress, and at every meeting of the Senate in the recess of Congress, after the aforesaid fourth day of March, in the year one thousand seven hundred and ninety-five, each Senator shall be entitled to receive seven dollars for every day he shall attend the Senate; and shall also be allowed at

the commencement and end of every such session and meeting, seven dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress: And in case any Member of the Senate shall be detained by sickness, on his journey to or from any such session or meeting, or after his arrival shall be unable to attend the Senate, he shall be entitled to the same allowance of seven dollars a day: *Provided always*, That no Senator shall be allowed a sum exceeding the rate of seven dollars a day, from the end of one such session or meeting, to the time of his taking a seat in another.

SEC. III. *And be it further enacted*, That at every Session of Congress, each Representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives; and shall also be allowed at the commencement and end of every Session, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress: And in case any Representative shall be detained by sickness, on his journey to or from the Session of Congress, or after his arrival shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid: And the Speaker of the House of Representatives, to defray the incidental expences of his office, shall be entitled to receive, in addition to his compensation as a Representative, six dollars for every day he shall attend the House: *Provided always*, that no Representative shall be allowed a sum exceeding the rate of six dollars a day, from the end of one such session or meeting to the time of his taking a seat in another.

SEC. IV. *And be it further enacted*, That there shall be allowed to each Chaplain of Congress, at the rate of five hundred dollars per annum during the Session of Congress; to the Secretary of the Senate, and Clerk of the House of Representatives, fifteen hundred dollars per annum each, to commence from the time of their respective appointments; and also a further allowance of two dollars per day to each, during the session of that branch for which he officiates: And the said Secretary and Clerk shall each be allowed (when the President of the Senate or Speaker shall deem it necessary) to employ one principal Clerk, who shall be paid three dollars per day, and an engrossing Clerk, who shall be paid two dollars per day during the Session, with the like compensation to such Clerk while he shall be necessarily employed in the recess.

SEC. V. *And be it further enacted*, That the following compensation shall be allowed to the Officers hereinafter mentioned, viz. To the Serjeant at Arms, during the Sessions, and while employed on the business of the House, four dollars per day; the allowance of the present Serjeant at Arms to commence from the time of his appointment; to the Door-keepers of the Senate and House of Representatives, for their services in those offices, three dollars per day during the Session of the House to which he may belong, for his own services, and for the hire of necessary labourers; the allowance to the present Door-keeper of the Senate to commence from the day appointed for the meeting of Congress; and the allowance to the Door-keeper of the House of Representatives, to commence from his appointment; and to the assistant Door-keeper to each house, two dollars per day during the Sessions.

SEC. VI. *And be it further enacted*, That the said compensation which shall be due to the Members and Officers of the Senate, shall be certified by the President; and that which shall be due to the Members and Officers of the House of Representatives, shall be certified by the Speaker;

Speaker; and the same shall be passed as public accounts, and paid out of the public treasury.

SEC. VII. *And be it further enacted*, That this act shall continue in force until the fourth day of March, in the year one thousand seven hundred and ninety-six, and no longer.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, September 29, 1789.

GEORGE WASHINGTON,
President of the United States.

APPENDIX C.

CHAPTER VIII.

An ACT relative to the Election of a PRESIDENT and VICE PRESIDENT of the United States, and declaring the Officer who shall act as President in case of vacancies in the offices both of President and Vice President.

SEC. I. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That except in case of an election of a President and Vice President of the United States, prior to the ordinary period as hereinafter specified, electors shall be appointed in each State for the election of a President and Vice President of the United States, within thirty-four days preceding the first Wednesday in December, 1792, and within thirty-four days preceding the first Wednesday in December in every fourth year succeeding the last election; which electors shall be equal to the number of Senators and Representatives, to which the several States may by law be entitled at the time, when the President and Vice President, thus to be chosen, should come into office: *Provided always*, That where no appointment of Representatives shall have been made after any enumeration, at the time of chusing electors, then the number of electors shall be according to the existing apportionment of Senators and Representatives.

SEC. II. *And be it further enacted*, That the Electors shall meet and give their votes on the said first Wednesday in December, at such place in each State as shall be directed by the legislature thereof; and the electors in each state shall make and sign three certificates of all the votes by them given, and shall seal up the same, certifying on each that a list of the votes of such State for President or Vice President is contained therein; and shall by writing, under their hands, or under the hands of a majority of them, appoint a person to take charge of, and deliver to the President of the Senate, at the seat of Government, before the first Wednesday in January then next ensuing, one of the said certificates, and the said electors shall forthwith forward by the Post-office to the President of the Senate, at the seat of Government, one other of the said certificates to be delivered to the judge of that district in which the said electors shall assemble.

SEC. III. *And be it further enacted*, That the executive authority of each State shall cause three lists of the names of the electors of such State to be made and certified, and to be delivered to the electors on or before the said first Wednesday in December, and the said electors shall annex one of the said lists to each of the lists of their votes.

SEC. IV. *And be it further enacted*, That if a list of votes from any State shall not have been received at the seat of Government on the said first Wednesday in January, that then the Secretary of State shall send a special messenger to the district judge in whose custody such list shall have been lodged, who shall forthwith transmit the same to the seat of Government.

SEC. V. *And be it further enacted*, That Congress shall be in session on the second Wednesday in February, 1793, and on the second Wednesday in February succeeding every meeting of the electors; and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice President ascertained and declared, agreeably to the Constitution.

SEC. VI. *And be it further enacted*, That in case there shall be no President of the Senate at the seat of Government, on the arrival of the persons entrusted with the list of the votes of the electors, then such persons shall deliver the lists of votes in their custody into the office of the Secretary of State, to be safely kept and delivered over as soon as may be, to the President of the Senate.

SEC. VII. *And be it further enacted*, That the persons appointed by the electors to deliver the lists of votes to the President of the Senate, shall be allowed, on the delivery of the said lists, twenty-five cents for every mile of the estimated distance by the most usual road, from the place of meeting of the electors, to the seat of Government of the United States.

SEC. VIII. *And be it further enacted*, That if any person appointed to deliver the votes of the electors to the President of the Senate, shall, after accepting of his appointment neglect to perform the services required of him by this act, he shall forfeit the sum of one thousand dollars.

SEC. IX. *And be it further enacted*, That in case of removal, death, resignation, or inability, both of the President and Vice President of the United States, the President of the Senate pro tempore, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being, shall act as President of the United States until the disability be removed, or a President shall be elected.

SEC. X. *And be it further enacted*, That whenever the offices of the President and Vice President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every State, and shall also cause the same to be published in, at least, one of the newspapers printed in each State, specifying that electors of the President of the United States shall be appointed or chosen in the several States within thirty-four days preceding the first Wednesday in December then next ensuing: *Provided* there shall be the space of two months between the date of such notification, and the said first Wednesday in December, but if there shall not be the space of two months between the date of such notification and the first Wednesday in December, and if the term for which the President and Vice President last in office were elected, shall not expire on the third day of March next ensuing, then the Secretary of State shall specify in the notification, that the electors shall

shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing; within which time the electors shall accordingly be appointed or chosen, and the electors shall meet and give their votes on the said first Wednesday in December, and the proceedings and duties of the said electors, and others, shall be pursuant to the directions prescribed in this act.

SEC. XI. *And be it further enacted*, That the only evidence of a refusal to accept, or of a resignation, of the office of President or Vice President, shall be an instrument in writing declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

SEC. XII. *And be it further enacted*, That the term of four years for which a President and Vice President shall be elected, shall in all cases commence on the 4th day of March next, succeeding the day on which the votes of the electors shall have been given.

JONATHAN TRUMBULL,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, March 1, 1792.

GEORGE WASHINGTON,
President of the United States.

APPENDIX D.

CHAPTER XIX.

An ACT for allowing a COMPENSATION to the PRESIDENT and VICE PRESIDENT of the UNITED STATES.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there shall be allowed to the President of the United States, at the rate of twenty-five thousand dollars, with the use of the furniture and other effects, now in his possession, belonging to the United States; and to the Vice President, at the rate of five thousand Dollars per annum, in full compensation for their respective services, to commence with the time of their entering on the duties of their offices respectively, and to continue so long as they shall remain in office, and to be paid quarterly out of the treasury of the United States.

FREDERICK AUGUSTUS MUEHLBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, September 24th, 1789.

GEORGE WASHINGTON,
President of the United States.

APPENDIX E.

CHAPTER XXV.

An ACT to recognize and adapt to the Constitution of the United States, the the Establishment of the TROOPS raised under the Resolves of the United States in Congress assembled, and for other Purposes therein mentioned.

SECT. I. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the establishment contained in the resolve of the late Congress, of third day of October, one thousand seven hundred and eighty-seven, except as to the mode of appointing the officers, and also as is hereinafter provided, be, and the same is hereby recognized to be the establishment for the troops in the service of the United States.*

SECT. II. *And be it further enacted, That the pay and allowances of the said troops be the same as have been established by the United States in Congress assembled, by their resolution of the twelfth of April, one thousand seven hundred and eighty-five.*

SECT. III. *And be it further enacted, That all commissioned and non-commissioned officers and privates, who are or shall be in the service of the United States, shall take the following oaths or affirmations, to wit; "I A. B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States."—"I A. B. do solemnly swear or affirm (as the case may be) to bear true allegiance to the United States of America, and to serve them honestly and faithfully against all their enemies or opposers whatsoever, and to observe and obey the orders of the President of the United States of America, and the orders of the officers appointed over me."*

SECT. IV. *And be it further enacted, That the said troops shall be governed by the rules and articles of war which have been established by the United States in Congress assembled, or by such rules and articles of war, as may hereafter be by law established.*

SECT. V. *And be it further enacted, That for the purpose of protecting the inhabitants of the frontiers of the United States from the hostile incursions of the Indians, the President is hereby authorized to call into service, from time to time, such part of the militia of the States respectively, as he may judge necessary for the purpose aforesaid; and that their pay and subsistence while in service, be the same as the pay and subsistence of the troops above mentioned.*

SECT. VI. *And be it further enacted, That this act shall continue to be in force until the end of the next session of Congress, and no longer.*

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States, and President of the Senate.*

Approved, September 29, 1789.

GEORGE WASHINGTON,
President of the United States.

CHAPTER

CHAPTER XXXIII.

An ACT more effectually to provide for the National Defence, by establishing an uniform Militia throughout the United States.

SECT. I. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That each and every free able-bodied white male citizen of the respective States, resident therein, who is or shall be of the age of eighteen years, and under the age of forty-five years (except as is hereinafter excepted) shall severally and respectively be enrolled in the militia, by the captain, or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of such captain, or commanding officer of a company, to enrol every such citizen as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty-five years (except as before excepted) shall come to reside within his bounds: and shall without delay notify such citizen of the said emolument, by a proper non-commissioned officer of the company, by whom such notice may be proved. That every citizen so enrolled and notified, shall, within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball: or with a good rifle, knapsack, shot, pouch, and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred and provided, when called out to exercise or into service, except, that when called out on company days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed with a sword or hanger and esponton; and that from and after five years from the passing this act, all muskets for arming the militia as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled, and providing himself with the arms, ammunition, and accoutrements required, as aforesaid, shall hold the same, exempted from all suits, distresses, executions, or sales, for debt, or for the payment of taxes.

SECT. II. *And be it further enacted,* That the Vice President of the United States, the officers judicial and executive of the government of the United States, the Members of both Houses of Congress, and their respective officers, all custom-house officers, with their clerks, all post-officers, and stage-drivers, who are employed in the care and conveyance of the mail of the post-office of the United States; all ferry-men employed at any ferry on the post road; all inspectors of exports; all mariners actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are or may hereafter be, exempted by the laws of the respective States, shall be, and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

SECT. III. *And be it further enacted,* That within one year after the passing of this act, the militia of the respective States shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of each State shall direct; and each division, brigade, and regiment, shall be numbered at the formation thereof; and a record made

made of such numbers in the Adjutant-General's office in the State; and when in the field, or in service in the State, each division, brigade, and regiment, shall respectively take rank according to their numbers, reckoning the first or lowest number highest in rank. That if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. That the said militia shall be officered by the respective States as follows: To each division one major-general and two aids-de-camp, with the rank of a major; to each brigade one brigadier-general, with one brigade inspector, to serve also as brigade-major with the rank of a major; to each regiment one lieutenant-colonel commandant; and to each battalion one major; to each company one captain, one lieutenant, one ensign, four serjeants, four corporals, one drummer, and one fife or bugler. That there shall be a regimental staff, to consist of one adjutant and one quarter-master, to rank as lieutenants; one paymaster; one surgeon, and one surgeon's mate; one serjeant-major, one drum-major, and one fife-major.

SECT. IV. *And be it further enacted*, That out of the militia enrolled, as is herein directed, there shall be formed for each battalion, at least, one company of grenadiers, light infantry, or riflemen; and that to each division there shall be at least one company of artillery and one troop of horse; there shall be to each company of artillery, one captain, two lieutenants, four serjeants, four corporals, six gunners, six bombardiers, one drummer, and one fife. The officers to be armed with a sword or hanger, a fusée, a bayonet and belt, with a cartridge-box to contain twelve cartridges; and each private or matross shall furnish himself with all the equipments of a private in the infantry, until proper ordinance and field artillery is provided. There shall be to each troop of horse, one captain, two lieutenants, one cornet, four serjeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses of at least fourteen hands and an half high, and to be armed with a sword, and pair of pistols, the holsters of which to be covered with bear skin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and a half high, a good saddle, bridle, mail pillion, and valise holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch box, to contain twelve cartridges for pistols. That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the State, not exceeding one company of each to a regiment, nor more in number than one eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expence; the colour and fashion to be determined by the brigadier commanding the brigade to which they belong.

SECT. V. *And be it further enacted*, That each battalion and regiment shall be provided with the state and regimental colours by the field officers; and each company with a drum, fife, or bugle horn, by the commissioned officers of the company in such manner as the legislature of the respective States shall direct.

SECT. VI. *And be it further enacted*, That there shall be an adjutant-general appointed in each State, whose duty it shall be to distribute all orders from the commander in chief of the State to the several corps; to attend all public reviews when the commander in chief of the State shall review the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank

forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State, returns of the militia under their command, reporting the actual situation of their arms, accoutrements, and ammunition, their delinquences, and every other thing which relates to the general advancement, of good order and discipline: all which the several officers of the divisions, brigades, regiments, and battalions, are hereby required to make in the usual manner, so that the said adjutant-general may be duly furnished therewith: from all which returns he shall make proper abstracts, and lay the same annually before the commander in chief of the State.

SECT. VII. *And be it further enacted*, That the rules of discipline approved and established by Congress in their resolution, of the twenty-ninth of March, one thousand seven hundred and seventy-nine, shall be the rules of discipline to be observed by the militia throughout the United States, except such deviations from the said rules as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer at every muster, whether by battalion, regiment, or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline.

SECT. VIII. *And be it further enacted*, That all commissioned officers shall take rank according to the date of their commissions; and when two of the same brigade bear an equal date, then their rank to be determined by lot to be drawn by them before the commanding officer of the brigade, regiment, battalion, company, or detachment.

SECT. XI. *And be it further enacted*, That if any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expence.

SECT. III. *And be it further enacted*, That it shall be the duty of the brigade inspector, to attend the regimental and battalion meetings of the militia composing their several brigades during the time of their being under arms, to inspect their arms, ammunition, and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline before described throughout the brigade, agreeable to law, and such orders as they shall from time to time receive from the commander in chief of the State; to make returns to the adjutant-general of the State, at least, once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements, and ammunition of the several corps, and every other thing which, in his judgement, may relate to the government and general advancement of good order and military discipline; and the adjutant-general shall make a return of all the militia of the State, to the commander in chief of the said State, and a duplicate of the same to the President of the United States.

And whereas sundry corps of artillery, cavalry, and infantry, now exist in several of the said States, which, by the laws, customs, or usages thereof, have not been incorporated with, or subject to the general regulations of the militia:

SECT. XI. *And be it further enacted*, That such corps retain their
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accustomed privileges, subject, nevertheless, to all other duties required by this act in like manner with the other militia.

JONATHAN TRUMBULL, *Speaker of
House of Representatives.*

RICHARD HENRY LEE, *President
pro tempore of the Senate.*

Approved, May 8, 1793.

GEO. WASHINGTON,
President of the United States.

CHAPTER VII.

*An ACT to establish an executive Department, to be denominated the
DEPARTMENT OF WAR.*

SEC. I. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That there shall be an executive department, to be denominated the Department of War; and that there shall be a principal officer therein, to be called the Secretary for the Department of War, who shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to him by the President of the United States, agreeably to the Constitution, relative to military commissions, or to the land or naval forces, ships, or warlike stores of the United States, or to such other matters respecting naval or military affairs as the President of the United States shall assign to the said department, or relative to the granting of lands to persons entitled thereto, for military services rendered to the United States, or relative to Indian affairs: *And furthermore,* That the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall from time to time order or instruct.

SECT. II. *And be it further enacted,* That there shall be in the said department an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the Chief Clerk in the Department of War, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such such vacancy, have the charge and custody of all records, books, and papers appertaining to the said department.

SECT. III. *And be it further enacted,* That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation, well and faithfully to execute the trust committed to him.

SECT. IV. *And be it further enacted,* That the Secretary for the Department of War, to be appointed in consequence of this act, shall forthwith after his appointment, be entitled to have the custody and charge of all records, books, and papers in the office of Secretary for the Department of War heretofore established by the United States in Congress assembled.

FREDERICK AUGUSTUS MUHLENBURGH,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,
and President of the Senate.*

Approved, August 7, 1789.

GEORGE WASHINGTON,
President of the United States.

CHAPTER

APPENDIX F.

CHAPTER XXII.

An ACT for providing the Means of Intercourse between the United States and Foreign Nations.

SECT. I. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the President of the United States shall be, and he hereby is authorized to draw from the Treasury of the United States, a sum not exceeding 40,000 dollars annually, to be paid out of the monies arising from the duties on imports and tonnage, for the support of such persons as he shall commission to serve the United States in foreign parts. and for the expence incident to the business in which they may be employed. *Provided,* That exclusive of an outfit, which shall in no case exceed the amount of one year's full salary to the Minister Plenipotentiary or Charge des Affaires, to whom the same may be allowed, the President shall not allow to any Minister Plenipotentiary a greater sum than at the rate of 5000 dollars per annum, as a compensation for all his personal services and other expences; nor a greater sum for the same than 4500 dollars per annum to a Charge des Affaires; nor a greater sum for the same than 1350 dollars per annum to the Secretary of any Minister Plenipotentiary. *And provided also,* That the President shall account specifically for all such expenditures of the said money as in his judgement may be made public; and also for the amount of such expenditures as he may think it adviseable not to specify, and cause a regular statement and account thereof to be laid before Congress annually, and also lodged in the proper office in the Treasury department.

SECT. II. *And be it further enacted,* That this Act shall continue and be in force for the space of two years, and from thence until the end of the next session of Congress thereafter, and no longer.

FREDERICK AUGUSTUS MUHIENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, July 1, 1790.

GEORGE WASHINGTON,
President of the United States.

An ACT for making further Provision for the Expences attending the Intercourse of the United States with Foreign Nations; and further to continue in force the Act intituled, "An Act for providing the Means of Intercourse between the United States and Foreign Nations."

SECT. I. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That a sum of one million of dollars, in addition to the provision heretofore made, be appropriated to defray any expences which may be incurred, in relation to the intercourse between the United States and foreign nations, to be paid out of any monies which may be in the Treasury, not otherwise appropriated, and to be applied under the direction of the President of the United States, who, if necessary, is hereby authorized to

borrow the whole or any part of the said sum of one million of dollars; an account of the expenditure whereof, as soon as may be, shall be laid before Congress.

SECT. II. *And be it further enacted*, That the Act, intituled "An Act for providing the Means of Intercourse between the United States and Foreign Nations," passed the first day of July, one thousand seven hundred and ninety, together with the second section of the act, intituled "An Act to continue in force for a limited time, and to amend the Act intituled "An Act for providing the Means of Intercourse between the United States and Foreign Nations," passed the ninth day of February, one thousand seven hundred and ninety-three, shall be continued in force for the term of one year from the passing of this act, and from thence, until the end of the next session of Congress thereafter holden, and no longer.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives:

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, March 20, 1794.

GEORGE WASHINGTON,
President of the United States.

CHAPTER IV.

An ACT for establishing an Executive Department, to be denominated the Department of FOREIGN AFFAIRS.

SECT. I. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That there shall be an executive department, to be denominated the Department of Foreign Affairs, and that there shall be a principal officer therein, to be called the Secretary for the Department of Foreign Affairs, who shall perform and execute such duties as shall, from time to time, be enjoined on or entrusted to him by the President of the United States, agreeable to the Constitution, relative to correspondencies, commissions, or instructions, to or with public Ministers or Consuls from the United States, or to negotiations with public Ministers from foreign States or Princes, or to memorials or other applications from foreign public Ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the said department: and furthermore, that the said principal officer shall conduct the business of the said department in such manner as the President of the United States shall, from time to time, order or instruct.

SECT. II. *And be it further enacted*, That there shall be in the said department an inferior officer, to be appointed by the said principal officer, and to be employed therein as he shall deem proper, and to be called the chief clerk in the department of foreign affairs, and who, whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books, and papers, appertaining to the said department.

SECT. III. *And be it further enacted*, That the said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath, or affirmation, well and faithfully to execute the trust committed to him.

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SECT. 4. *And be it further enacted*, That the Secretary for the Department of Foreign Affairs, to be appointed in consequence of this act, shall forthwith after his appointment be entitled to have the custody and charge of all records, books and papers, in the office of Secretary for the Department of Foreign Affairs, heretofore established, by the United States in Congress assembled.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives,
JOHN ADAMS, *Vice President of the United*
States, and President of the Senate.

Approved, July 27, 1789;

GEORGE WASHINGTON,
President of the United States.

CHAPTER XII.

An ACT to establish the TREASURY DEPARTMENT.

SECT. 1. *Be it enacted by the Senate House of Representatives of the United States of America in Congress assembled*, That there shall be a Department of Treasury, in which shall be the following offices; namely, a Secretary of the Treasury, to be deemed head of the Department, a Comptroller, an Auditor, a Treasurer, a Register, and an Assistant to the Secretary of the Treasury, which Assistant shall be appointed by the said Secretary.

SECT. II. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue, and the public expenditures; to superintend the collection of the revenue; to decide on the forms of keeping and stating accounts, and making returns, and to grant, under the limitations herein established, or to be hereafter provided, all warrants for monies to be issued from the Treasury, in pursuance of appropriations by law; to execute such services relative to the sale of the lands belonging to the United States, as may be by law required of him; to make report, and give information to either branch of the Legislature, in person or in writing (as he may be required) respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally to perform all such services relative to the finances as he shall be directed to perform.

SECT. III. *And be it further enacted*, That it shall be the duty of the Comptroller to superintend the adjustment and preservation of the public accounts; to examine all accounts settled by the Auditor, and certify the balances arising thereon to the Register; to countersign all warrants drawn by the Secretary of the Treasury, which shall be warranted by law; to report to the Secretary the official forms of all papers to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein: he shall moreover provide for the regular and punctual payment of all monies which may be collected, and shall direct prosecutions for all delinquencies of officers of the revenue, and for debts that are or shall be due to the United States.

SECT. IV. *And be it further enacted*, That it shall be the duty of the Treasurer to receive and keep the monies of the United States, and to disburse

disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by the Comptroller, recorded by the Register, and not otherwise; he shall take receipts for all monies paid by him, and all receipts for monies received by him shall be endorsed upon warrants signed by the Secretary of the Treasury, without which warrant so signed, no acknowledgement for money received into the public treasury shall be valid: And the said Treasurer shall render his accounts to the Comptroller quarterly (or oftener, if required), and shall transmit a copy thereof, when settled, to the Secretary of the Treasury; he shall, moreover, on the third day of every session of Congress, lay before the Senate and House of Representatives fair and accurate copies of all accounts by him from time to time rendered to, and settled with the Comptroller as aforesaid, as also, a true and perfect account of the state of the Treasury. He shall at all times submit to the Secretary of the Treasury and the Comptroller, or either of them, the inspection of the monies in his hands; and shall, prior to the entering upon the duties of his office, give bond, with sufficient sureties, to be approved by the Secretary of the Treasury and Comptroller, in the sum of one hundred and fifty thousand dollars, payable to the United States, with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed, which bond shall be lodged in the office of the Comptroller of the Treasury of the United States.

SECT. V. *And be it further enacted*, That it shall be the duty of the Auditor to receive all public accounts, and, after examination, to certify the balance, and transmit the accounts with the vouchers and certificate to the Comptroller for his decision thereon: *Provided*, That if any person whose account shall be so audited, be dissatisfied therewith, he may within six months appeal to the Comptroller against such settlement.

SECT. VI. *And be it further enacted*, That it shall be the duty of the Register to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States; to receive from the Comptroller the accounts which shall have been finally adjusted, and to preserve such accounts with their vouchers and certificates; to record all warrants for the receipt or payment of monies at the treasury, certify the same thereon, and to transmit to the Secretary of the Treasury copies of the certificates of balances of accounts adjusted as is herein directed.

SECT. VII. *And be it further enacted*, That whenever the Secretary shall be removed from office by the President of the United States, or in any other case of vacancy in the office of the Secretary, the Assistant shall, during the vacancy, have the charge and custody of the records, books, and papers appertaining to the said office.

SECT. VIII. *And be it further enacted*, That no person appointed to any office instituted by this act, shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner, in whole or in part, of any sea vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use, any emolument or gain for negotiating or transacting any business in the said department, other than what shall be allowed by law: and if any person shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high misdemeanour, and forfeit to the United States the penalty of three thousand dollars, and shall, upon conviction, be removed

removed from office, and for ever thereafter be incapable of holding any office under the United States. *Provided, That if any other person than a public prosecutor shall give information of any such offence, upon which a prosecution and conviction shall be had, one half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information.*

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, September 2, 1789.

GEORGE WASHINGTON,
President of the United States.

CHAPTER XIII.

An ACT for establishing the SALARIES of the Executive Officers of Government, with their Assistants and Clerks.

SECT. I. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be allowed to the officers hereafter mentioned, the following annual salaries, payable quarterly at the Treasury of the United States: to the Secretary of the Treasury, three thousand five hundred dollars; to the Secretary in the Department of State, three thousand five hundred dollars; to the Secretary in the Department of War, three thousand dollars; to the Comptroller of the Treasury, two thousand dollars; to the Auditor, one thousand five hundred dollars; to the Treasurer, two thousand dollars; to the Register, one thousand two hundred and fifty dollars; to the Governor of the Western Territory, for his salary as such, and for discharging the duties of Superintendent of Indian Affairs in the Northern Department, two thousand dollars; to the three Judges of the Western Territory, each eight hundred dollars; to the Assistant of the Secretary of the Treasury, one thousand five hundred dollars; to the Chief Clerk in the Department of State, eight hundred dollars; to the Chief Clerk in the Department of War, six hundred dollars; to the Secretary of the Western Territory, seven hundred and fifty dollars; to the Principal Clerk of the Comptroller, eight hundred dollars; to the Principal Clerk of the Auditor, six hundred dollars; to the Principal Clerk of the Treasurer, six hundred dollars.*

SECT. II. *And be it further enacted, That the heads of the three Departments first above mentioned shall appoint such Clerks therein respectively as they shall find necessary; and the salary of the said Clerks respectively shall not exceed the rate of five hundred dollars per annum.*

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States, and President of the Senate.*

Approved, September 11, 1789.

GEORGE WASHINGTON,
President of the United States.

APPENDIX G.

CHAPTER XX.

An ACT to establish the JUDICIAL COURTS of the UNITED STATES.

SECT. I. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the Supreme Court of the United States shall consist of a Chief Justice and five associate Justices, any four of whom shall be a quorum, and shall hold annually at the Seat of Government two Sessions, the one commencing the first Monday of February, and the other the first Monday of August : that the associate Justices shall have precedence according to the date of their commissions, or when the commissions of two or more of them bear date on the same day, according to their respective ages.

SECT. II. *And be it further enacted,* That the United States shall be, and they hereby are divided into thirteen districts, to be limited and called as follows, to wit, one to consist of that part of the State of Massachusetts which lies easterly of the State of New Hampshire, and to be called Maine District ; one to consist of the State of New Hampshire, and to be called New Hampshire District ; one to consist of the remaining part of the State of Massachusetts, and to be called Massachusetts District ; one to consist of the State of Connecticut, and to be called Connecticut District ; one to consist of the State of New York, and to be called New York District ; one to consist of the State of New Jersey, and to be called New Jersey District ; one to consist of the State of Pennsylvania, and to be called Pennsylvania District ; one to consist of the State of Delaware, and to be called Delaware District ; one to consist of the State of Maryland, and to be called Maryland District ; one to consist of the State of Virginia, except that part called the District of Kentucky, and to be called Virginia District ; one to consist of the remaining part of the State of Virginia, and to be called Kentucky District ; one to consist of the State of South Carolina, and to be called South Carolina District ; and one to consist of the State of Georgia, and to be called Georgia District.

SECT. III. *And be it further enacted,* That there be a Court called a District Court, in each of the afore-mentioned Districts, to consist of one Judge, who shall reside in the District for which he is appointed, and shall be called a District Judge, and shall hold annually four Sessions, the first of which to commence as follows, to wit, in the Districts of New York and of New Jersey on the first, in the District of Pennsylvania on the second, in the District of Connecticut on the third, and in the District of Delaware on the fourth Tuesdays of November next ; in the Districts of Massachusetts, of Maine, and of Maryland, on the first, in the District of Georgia on the second, and in the Districts of New Hampshire, of Virginia, and of Kentucky, on the third Tuesdays of December next ; and the other three Sessions progressively in the respective Districts on the like Tuesdays of every third calendar month afterwards ; and in the District of South Carolina on the third Monday in March and September, the first Monday in July, and the second Monday in December of each and every year, commencing in December next ; and that the District Judge shall have power to hold special Courts at his discretion. That the said District Court shall be held at the places following : to wit, in the District of Main, at Portland and Pownalsborough alternately, beginning at the first ; in the District of New Hampshire, at Exeter and Portsmouth alternately, beginning at
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the first; in the District of Massachusetts, at Boston and Salem alternately, beginning at the first; in the District of Connecticut, alternately at Hartford and New Haven, beginning at the first; in the District of New-York, at New-York; in the District of New Jersey, alternately at New Brunswick and Burlington, beginning at the first; in the District of Pennsylvania, at Philadelphia and York-Town alternately, beginning at the first; in the District of Delaware, alternately at New-Castle and Dover, beginning at the first; in the District of Maryland, alternately at Baltimore and Easton, beginning at the first; in the District of Virginia, alternately at Richmond and Williamsburgh, beginning at the first; in the District of Kentucky, at Harrodsburgh; in the District of South Carolina, at Charleston; and in the District of Georgia, alternately at Savanna and Augusta, beginning at the first;— and that the special Courts shall be held at the same place in each District as the stated Courts, or in Districts that have two, at either of them, in the discretion of the Judge, or at such other place in the District, as the nature of the business and his discretion shall direct. And that in the Districts that have but one place for holding the District Court, the records thereof shall be kept at that place; and in Districts which have two, at that place in each District which the Judge shall appoint.

SECT. IV. *And be it further enacted*, That the before-mentioned Districts, except those of Maine and Kentucky, shall be divided into three Circuits, and be called the Eastern, the Middle, and the Southern Circuit. That the Eastern Circuit shall consist of the Districts of New Hampshire, Massachusetts, Connecticut, and New York; that the Middle Circuit shall consist of the Districts of New Jersey, Pennsylvania, Delaware, Maryland, and Virginia; and that the Southern Circuit shall consist of the Districts of South Carolina and Georgia; and that there shall be held annually in each District of said Circuits, two Courts, which shall be called Circuit Courts, and shall consist of any two Justices of the Supreme Court, and the District Judge of such Districts, any two of whom shall constitute a quorum: *Provided*, That no District Judge shall give a vote in any case of appeal or error from his own decision, but may assign the reasons of such his decision.

SECT. V. *And be it further enacted*, That the first Session of the said Circuit Court in the several Districts shall commence at the times following: to wit, in New-Jersey on the second, in New-York on the fourth, in Pennsylvania on the eleventh, in Connecticut on the twenty-second, and in Delaware on the twenty-seventh days of April next; in Massachusetts on the third, in Maryland on the seventh, in South Carolina on the twelfth, in New-Hampshire on the twentieth, in Virginia on the twenty-second, and in Georgia on the twenty-eighth days of May next; and the subsequent sessions of the respective Districts on the like days of every sixth kalendar month afterwards, except in South Carolina, where the session of the said Court shall commence on the first, and in Georgia, where it shall commence on the seventeenth day of October, and except when any of those days shall happen on a Sunday, and then the session shall commence on the next day following. And the sessions of the said Circuit Court shall be held in the District of New-Hampshire at Portsmouth and Exeter alternately, beginning at the first; in the District of Massachusetts, at Boston; in the District of Connecticut, alternately at Hartford and New-Haven, beginning at the last; in the District of New-York, alternately at New-York and Albany, beginning at the first; in the District of New-Jersey, at Trenton; in the District of Pennsylvania, alternately at Philadelphia and York-town, beginning at the first; in the District of Delaware, alternately

nately at Newcastle and Dover, beginning at the first; in the District of Maryland, alternately at Annapolis and Easton, beginning at the first; in the District of Virginia, alternately at Charlottesville and Williamsburgh, beginning at the first; in the District of South Carolina, alternately at Columbia and Charleston, beginning at the first; and in the District of Georgia, alternately at Savanna and Augusta, beginning at the first. And the circuit courts shall have power to hold special sessions for the trial of criminal causes at any other time at their discretion, or at the discretion of the supreme court.

SECT. VI. *And be it further enacted*, That the supreme court may, by any one or more of its justices being present, be adjourned from day to day until a quorum be convened; and that a circuit court may also be adjourned from day to day by any one of its judges, or if none are present, by the Marshal of the district until a quorum be convened; and that a district court, in case of the inability of the Judge to attend at the commencement of a session, may, by virtue of a written order from the said Judge, directed to the Marshal of the district, be adjourned by the said Marshal to such day, antecedent to the next stated session of the said court, as in the said order shall be appointed; and in case of the death of the said Judge, and his vacancy not being supplied, all process, pleadings, and proceedings, of what nature soever, pending before the said court, shall be continued of course until the next stated session after the appointment and acceptance of the office by his successor.

SECT. VII. *And be it further enacted*, That the supreme court and the district courts have power to appoint clerks for their respective courts, and that the clerk for each district court shall be clerk also of the circuit court in such district; and each of the said clerks shall, before he enters upon the execution of his office, take the following oath or affirmation, to wit, "I *A. B.* being appointed clerk of do solemnly swear or affirm, that I will truly and faithfully enter and record all the orders, decrees, judgments, and proceedings of the said court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding, so help me God."—Which words, so help me God, shall be omitted in all cases where an affirmation is admitted instead of an oath. And the said clerks shall also severally give bond, with sufficient sureties (to be approved of by the supreme district courts respectively) to the United States, in the sum of two thousand dollars, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk.

SECT. VIII. *And be it further enacted*, That the justices of the supreme court, and the district judges before they proceed to execute the duties of their respective offices, shall take the following oath or affirmation, to wit, "I *A. B.* do solemnly swear or affirm, that I will administer justice without respect of persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as _____, according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States. So help me God."

SECT. IX. *And be it further enacted*, That the district courts shall have, exclusively of the courts of the several States, cognizance of all crimes and offences that shall be cognizable under the authority of the United States, committed within their respective districts, or upon the high seas; where no other punishment than whipping not exceeding thirty stripes, a fine not exceeding one hundred dollars, or a term of imprisonment

imprisonment not exceeding six months; is to be inflicted; and shall also have exclusive original cognizance of all civil causes of admiralty and maritime jurisdiction, including all seizures under laws of impost, navigation; or trade of the United States; where the seizures are made, on waters which are navigable from the sea by vessels of ten or more tons burthen, within their respective districts as well as upon the high seas; saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it: and shall also have exclusive original cognizance of all seizures on land, or other waters than as aforesaid, made, and of all suits for penalties and forfeitures incurred under the laws of the United States. And shall also have cognizance concurrent with the courts of the several States, or the circuit courts, as the case may be, of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the United States. And shall also have cognizance, concurrent as last mentioned, of all suits at common law where the United States sue, and the matter in dispute amounts, exclusive of costs, to the sum or value of one hundred dollars. And shall also have jurisdiction exclusively of the courts of the several States, of all suits against consuls or vice consuls, except for offences above the description aforesaid. And the trial of issues in fact, in the districts courts, in all causes except civil causes of admiralty and maritime jurisdiction, shall be by jury.

SECT. X. *And be it further enacted*, That the district court in Kentucky district shall, besides the jurisdiction aforesaid, have jurisdiction of all other causes, except of appeals and writs of error, hereinafter made and cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court; and writs of error and appeals shall lie from decisions therein to the supreme court in the same causes, as from a circuit court to the supreme court; and under the same regulations. And the district court in Maine district shall, besides the jurisdiction herein before granted, have jurisdiction of all causes, except of appeals and writs of error hereinafter made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court: and writs of error shall lie from decisions therein to the circuit court in the district of Massachusetts, in the same manner as from other district courts to their respective circuit courts.

SECT. XI. *And be it further enacted*, That the circuit courts shall have original cognizance, concurrent with the courts of the several States, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of five hundred dollars; and the United States are plaintiffs or petitioners; or an alien is a party, or the suit is between a citizen of the State where the suit is brought, and a citizen of another State: and shall have exclusive cognizance of all crimes and offences cognizable under the authority of the United States, except where this act otherwise provides, or the laws of the United States shall otherwise direct, and concurrent jurisdiction with the district courts of the crimes and offences cognizable therein. But no person shall be arrested in one district for trial in another, in any civil action before a circuit or district court: and no civil suit shall be brought before either of the said courts against an inhabitant of the United States, by any original process in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving the writ; nor shall any district or circuit court have cognizance of any suit to recover the contents of any promissory note or other thing in action in favour of an assignee, unless a suit might have been prosecuted in such court

to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange. And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions hereinafter provided.

SECT. XII. *And be it further enacted*, That if a suit be commenced in any State court against an alien, or by a citizen of the State in which the suit is brought against a citizen of another State, and the matter in dispute exceeds the aforesaid sum, or value, of 500 dollars, exclusive of costs, to be made appear to the satisfaction of the court; and the defendant shall, at the time of entering his appearance in such State court, file a petition for the removal of the cause for trial into the next circuit court to be held in the district where the suit is pending; or if in the district of Maine, to the district court next to be holden therein; or if in Kentucky district, to the district court next to be holden therein, and offer good and sufficient surety for his entering in such court, on the first day of its session, copies of said process against him, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein: it shall then be the duty of the State court to accept the surety and proceed no further in the cause; and any bail that may have been originally taken shall be discharged, and the said copies being entered as aforesaid in such court of the United States, the cause shall there proceed in the same manner as if it had been brought there by original process. And any attachment of the goods or estate of the defendant by the original process shall hold the goods or estate so attached, to answer the final judgment, in the same manner as by the laws of such State they would have been holden to answer final judgment, had it been rendered by the court in which the suit commenced. And if in any action commenced in a State court the title of land be concerned, and the parties are citizens of the same State, and the matter in dispute exceeds the sum or value of 500 dollars, exclusive of costs, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, shall state to the court, and make affidavit, if they require it, that he claims, and shall rely upon a right or title to the land, under a grant from a State, other than that in which the suit is pending, and produce the original grant, or an exemplification of it, except where the loss of public records shall put it out of his power, and shall move that the adverse party inform the court whether he claims a right or title to the land under a grant from the State in which the suit is pending; the said adverse party shall give such information, or otherwise not be allowed to plead such grant, or give it in evidence upon the trial; and if he informs that he does claim under such grant, the party claiming under the grant first mentioned may then, on motion, remove the cause for trial to the next circuit court to be holden in such district; or, if in the district of Maine, to the court next to be holden therein; or if in Kentucky district, to the district court next to be holden therein; but if he is the defendant, shall do it under the same regulations as is in the before-mentioned case of the removal of a cause into such court by an alien: and neither party removing the cause shall be allowed to plead, or give evidence of any other title than that by him stated as aforesaid as the ground of his claim. And the trial of issues in fact in the circuit courts shall, in all suits, except those of equity and of admiralty and maritime jurisdiction, be by jury.

SECT. XIII. *And be it further enacted*, That the Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature, where a State is a party, except between a State and its citizens; and except

except also between a State and citizens of other States, or aliens, in which latter case, it shall have original but not exclusive jurisdiction: and shall have exclusively all such jurisdiction of suits or proceedings against ambassadors or other public ministers, or their domestics, or domestic servants, as a court of law can have or exercise consistently with the law of nations; and original, but not exclusive, jurisdiction of all suits brought by ambassadors, or other public ministers, or in which a Consul or Vice Consul shall be a party. And the trial of issues in fact, in the supreme court, in all actions at law against citizens of the United States, shall be by jury. The supreme court shall also have appellate jurisdiction from the circuit courts and courts of the several States, in the cases hereinafter specially provided for; and shall have power to issue writs of prohibition to the district courts, when proceeding as courts of Admiralty and maritime jurisdiction, and writs of *mandamus*, in cases warranted by the principles and usages of law, to any courts appointed, or persons holding office under the authority of the United States.

SEC. XIV. *And be it further enacted*, That all the before-mentioned courts of the United States shall have power to issue writs of *scire facias*, *habeas corpus*, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law. And that either of the Justices of the supreme court, as well as Judges of the district courts, shall have power to grant writs of *habeas corpus* for the purpose of an inquiry into the cause of commitment. *Provided*, That writs of *habeas corpus* shall in no case extend to prisoners in gaol, unless where they are in custody, under or by colour of the authority of the United States, or are committed for trial before some court of the same, or are necessary to be brought into court to justify.

SEC. XV. *And be it further enacted*, That all the said courts of the United States shall have power in the trial of actions at law, on motion, and due notice thereof being given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in Chancery; and if a plaintiff shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively, on motion, to give the like judgment for the defendant as in cases of nonsuit; and if a defendant shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively, on motion as aforesaid, to give judgment against him or her by default.

SEC. XVI. *And be it further enacted*, That suits in equity shall not be sustained in either of the courts of the United States, in any case where plain, adequate, and complete remedy may be had at law.

SEC. XVII. *And be it further enacted*, That all the said courts of the United States shall have power to grant new trials, in cases where there has been a trial by jury, for reasons for which new trials have usually been granted in the courts of law; and shall have power to impose and administer all necessary oaths or affirmations, and to punish by fine or imprisonment, at the discretion of said courts, all contempts of authority in any cause or hearing before the same; and to make and establish all necessary rules for the orderly conducting businesses in the said courts, provided such rules are not repugnant to the laws of the United States.

SECT.

SECT. XVIII. *And be it further enacted*, That when in a circuit court judgment upon a verdict in a civil action shall be entered, execution may, on motion of either party, at the discretion of the court, and on such conditions for the security of the adverse party as they may judge proper, be stayed forty-two days from the time of entering judgment, to give time to file in the clerk's office of said court, a petition for a new trial. And if such petition be there filed within the said term of forty-two days, with a certificate thereon from either of the Judges of such court, that he allows the same to be filed, which certificate he may make or refuse at his discretion, execution shall of course be further stayed to the next session of said court: and if a new trial be granted, the former judgement shall be thereby rendered void.

SECT. XIX. *And be it further enacted*, That it shall be the duty of circuit courts, in causes in equity and of admiralty and maritime jurisdiction, to cause the facts on which they found their sentence or decree fully to appear upon the record either from the pleadings and decree itself, or a state of the case agreed by the parties, or their counsel, or if they disagree, by a stating of the case by the court.

SECT. XX. *And be it further enacted*, That where in a circuit court a plaintiff in an action, originally brought there, or a petitioner in equity, other than the United States, recovers less than the sum or value of 500 dollars, or a libellant, upon his own appeal, less than the sum or value of 300 dollars, he shall not be allowed, but at the discretion of the court may be adjudged to pay costs.

SECT. XXI. *And be it further enacted*, That from final decrees in a district court, in causes of admiralty and maritime jurisdiction, where the matter in dispute exceeds the sum or value of 300 dollars, exclusive of costs, an appeal shall be allowed to the next circuit court to be held in such district. *Provided* nevertheless, That all such appeals from final decrees as aforesaid, from the district court of Maine, shall be made to the circuit court next to be holden after each appeal in the district of Massachusetts.

SECT. XXII. *And be it further enacted*, That final decrees and judgments in civil actions in a district court, where the matter in dispute exceeds the sum or value of 50 dollars, exclusive of costs, may be re-examined and reversed or affirmed in a circuit court, holden in the same district, upon a writ of error, whereto shall be annexed and returned therewith, at the day and place therein mentioned, an authenticated transcript of the record and assignment of errors, and prayer for reversal, with a citation to the adverse party, signed by the Judge of such district court, or a Justice of the supreme court, the adverse party having at least twenty days notice. And upon a like process, may final judgments and decrees in civil actions, and suits in equity in a circuit court, brought there by original process, or removed there from courts of the several States, or removed there by appeal from a district court, where the matter in dispute exceeds the sum or value of 2000 dollars, exclusive of costs, be re-examined, or reversed and affirmed in the supreme court, the citation being in such case signed by a Judge of such circuit court, or Justice of the supreme court; and the adverse party having at least thirty days notice. But there shall be no reversal in either court on such writ of error for error in ruling any plea in abatement, other than a plea to the jurisdiction of the court, or such plea to a petition or bill in equity, as is in the nature of a demurrer; or for any error in fact. And writs of error shall not be brought but within five years after rendering or passing the judgment

judgment or decree complained of; or in case the person entitled to such writ of error be an infant, *femme covert*, *non compos mentis*, or imprisoned, then within five years as aforesaid, exclusive of the time of such disability. And every justice or judge signing a citation on any writ of error as aforesaid, shall take good and sufficient security that the plaintiff in error shall prosecute his writ to effect, and answer all damages and costs if he fail to make his plea good.

SECT. XXIII. *And be it further enacted*, That a writ of error as aforesaid shall be a *superedeas*, and stay execution in cases only where the writ of error is served, by a copy thereof being lodged for the adverse party in the clerk's office, where the record remains, within ten days, Sundays exclusive, after rendering the judgment or passing the decree complained of. Until the expiration of which term of ten days, executions shall not issue in any case where a writ of error may be a *superedeas*; and whereupon such writ of error the supreme or circuit court shall affirm a judgment or decree, they shall adjudge or decree to the respondent in error just damages for his delay, and single or double costs, at their discretion.

SECT. XXIV. *And be it further enacted*, That when a judgment or decree shall be reversed in a circuit court, such court shall proceed to render such judgment, or pass such decree, as the district court should have rendered or passed; and the supreme court shall do the same on reversals therein, except where the reversal is in favour of the plaintiff or petitioner in the original suit, and the damages to be assessed, or matter to be decreed, are uncertain, in which case they shall remand the cause for a final decision. And the supreme court shall not issue execution in causes that are removed before them by writs of error, but shall send a special mandate to the circuit court to award execution thereupon.

SECT. XXV. *And be it further enacted*, That a final judgment or decree in any suit, in the highest court of law or equity of a State, in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favour of such their validity; or where is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute of, or commission held under the United States, and the decision is against the title, right, privilege, or exemption specially set up or claimed by either party, under such clause of the said Constitution, treaty, statute, or commission, may be re-examined, and reversed or affirmed in the supreme court of the United States upon a writ of error, the citation being signed by the Chief Justice, or Judge, or Chancellor of the court, rendering or passing the judgment or decree complained of, or by a Justice of the supreme court of the United States, in the same manner and under the same regulations, and the writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a circuit court, and the proceeding upon the reversal shall also be the same, except that the supreme court, instead of remanding the cause for a final decision as before provided, may, at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same, and award execution. But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid, than such as appears

appears on the face of the record, and immediately respects the before-mentioned questions of validity or construction of the said constitution, treaties, statutes, commissions, or authorities in dispute.

SECT. XXVI. *And be it further enacted*, That in all cases brought before either of the courts of the United States to recover the forfeiture annexed to any articles of agreement, covenant, bond, or other specialty, where the forfeiture, breach, or non-performance shall appear, by the default or confession of the defendant, or upon demurrer, the court, before whom the action is, shall render judgment therein for the plaintiff to recover so much as is due according to equity. And when the sum for which judgment should be rendered is uncertain, the same shall, if either of the parties request it, be assessed by a jury.

SECT. XXVII. *And be it further enacted*, That a marshal shall be appointed in and for each district for the term of four years, but shall be removeable from office at pleasure, whose duty it shall be to attend the district and circuit courts when sitting therein, and also the supreme court in the district in which that court shall sit. And to execute throughout the district, all lawful precepts directed to him, and issued under the authority of the United States, and he shall have power to command all necessary assistance in the execution of his duty, and to appoint as there shall be occasion, one or more deputies, who shall be removeable from office by the judge of the district court, or the circuit court sitting within the district, at the pleasure of either; and before he enters upon the duties of his office, he shall become bound for the faithful performance of the same, by himself and by his deputies, before the judge of the district court to the United States, jointly and severally, with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by the district judge, in the sum of twenty thousand dollars, and shall take before said judge, as shall also his deputies, before they enter on the duties of their appointment, the following oath of office: "I A. B. do solemnly swear or affirm, that I will faithfully execute all lawful precepts directed to the Marshal of the district of _____ under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of Marshal (or Marshal's Deputy, as the case may be) of the district of _____ during my continuance in the said office, and take only my lawful fees. So help me God."

SECT. XXVIII. *And be it further enacted*, That in all causes where in the Marshal or his deputy shall be a party, the writs and precepts therein shall be directed to such disinterested persons as the court or any justice or judge thereof may appoint, and the person so appointed is hereby authorized to execute and return the same. And in case of the death of any Marshal, his Deputy or Deputies shall continue in office, unless otherwise specially removed; and shall execute the same in the name of the deceased, until another Marshal be appointed and sworn; and the defaults or misfeasances in office of such Deputy or Deputies in the mean time, as well as before, shall be adjudged a breach of the condition of the bond given, as before directed, by the Marshal who appointed them; and the executor or administrator of the deceased Marshal shall have like remedy for the defaults and misfeasances in office of such Deputy or Deputies during such interval, as they would be entitled to if the Marshal had continued in life and in the exercise of his said office, until his successor was appointed, and sworn or affirmed; and every Marshal or his Deputy when removed from office, or when the term for which the Marshal is appointed shall expire, shall have power

power notwithstanding to execute all such precepts as may be in their hands respectively at the time of such removal or expiration of office; and the Marshal be held answerable for the delivery to his successor of all prisoners which may be in his custody at the time of his removal, or when the term for which he is appointed shall expire, and for that purpose may retain such prisoners in his custody until his successor shall be appointed and qualified as the law directs.

SECT. XXIX. *And be it further enacted*, That in cases punishable with death, the trial shall be had in the county where the offence was committed, or where that cannot be done without great inconvenience, twelve petit jurors at least shall be summoned from thence. And jurors in all cases to serve in the courts of the United States, shall be designated by lot or otherwise in each State respectively, according to the mode of forming juries therein now practised, so far as the laws of the same shall render such designation practicable by the courts or martials of the United States; and the jurors shall have the same qualifications as are requisite for jurors by the laws of the State of which they are citizens, to serve in the highest courts of law of such State, and shall be returned as there shall be occasion for them, from such parts of the district from time to time as the court shall direct, so as shall be most favourable to an impartial trial, and so as not to incur an unnecessary expense, or unduly to burthen the citizens of any part of the district with such services. And writs of *venire facias* when directed by the court shall issue from the clerk's office, and shall be served and returned by the Marshal in his proper person, or by his Deputy, or in case the Marshal or his Deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as the court shall specially appoint for that purpose, to whom they shall minister an oath or affirmation, that he will truly and impartially serve and return such writ. And when from challenges or otherwise, there shall not be a jury to determine any civil or criminal cause, the Marshal or his Deputy shall, by order of the court, where such defect of jurors shall happen, return jurymen *de talibus circumstantibus* sufficient to complete the pannel; and when the Marshal or his Deputy are disqualified as aforesaid, jurors may be returned by such disinterested person as the court shall appoint.

SECT. XXX. *And be it further enacted*, That the mode of proof by oral testimony and examination of witnesses in open court shall be the same in all the courts of the United States, as well in the trial of causes in equity and of admiralty and maritime jurisdiction, as of actions at common law. And when the testimony of any person shall be necessary in any civil cause, depending in any district in any court of the United States, who shall live at a greater distance from the place of trial than one hundred miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of such district, or to go a greater distance from the place of trial than as aforesaid, before the time of trial, or is ancient or very infirm, the deposition of such person may be taken *de bene esse* before any justice or judge of any of the courts of the United States, or before any chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, or judge of a county court, or court of Common Pleas of the United States, not being of counsel or attorney to either of the parties, or interested in the event of the cause, provided that a notification from the magistrate before whom the deposition is to be taken to the adverse party to be present at the taking of the same, and to put interrogatories, if he think fit, be first made out and served on the adverse party or his attorney, as either may be nearest, if either is within one hundred miles of the place of such cap-

tion, allowing time for their attendance after notified, not less than at the rate of one day, Sundays exclusive, for every twenty miles travel. And in causes of admiralty and maritime jurisdiction, or other cases of seizure when a libel shall be filed, in which an adverse party is not named, and depositions of persons circumstanced as aforesaid shall be taken before a claim be put in, the like notification as aforesaid shall be given to the person having the agency or possession of the property libelled at the time of the capture or seizure of the same, if known to be libellant. And every person deposing as aforesaid shall be carefully examined and cautioned, and sworn or affirmed, to testify the whole truth, and shall subscribe the testimony by him or her given after the same shall be reduced to writing, which shall be done only by the magistrate taking the deposition, or by the deponent in his presence. And the depositions so taken shall be retained by such magistrate, until he deliver the same with his own hand into the court for which they are taken, or shall, together with a certificate of the reasons as aforesaid of their being taken, and of the notice, if any, given to the adverse party, be by him the said magistrate sealed up and directed to such court, and remain under his seal until opened in court. And any person may be compelled to appear and depose as aforesaid, in the same manner as to appear and testify in court. And in the trial of any cause of admiralty or maritime jurisdiction in a district court, the decree in which may be appealed from, if either party shall suggest to and testify the court that probably it will not be in his power to produce the witnesses there testifying before the circuit court should an appeal be had, and shall move that their testimony be taken down in writing, it shall be so done by the clerk of the court. And if an appeal be had, such testimony may be used on the trial of the same, if it shall appear to the satisfaction of the court which shall try the appeal, that the witnesses are then dead or gone out of the United States, or to a greater distance than as aforesaid, from the place where the court is sitting, or that by reason of age, sickness, bodily infirmity, or imprisonment, they are unable to travel and appear at court, but not otherwise; and unless the same shall be made to appear on the trial of any cause, with respect to witnesses whose depositions shall not be admitted or used in the cause. *Provided*, That nothing herein shall be construed to prevent any court of the United States from granting a *dedimus potestatem* to take depositions according to common usage, when it may be necessary to prevent a failure or delay of justice; which power they shall severally possess, nor to extend to depositions taken in *perpetuam rei memoriam*, which, if they relate to matters that may be cognizable in any court of the United States, a circuit court on application thereto made as a court of equity, may, according to the usages in chancery, direct to be taken.

SECT. XXXI. *And be it further enacted*, That where any suit shall be depending in any court of the United States, and either of the parties shall die before final judgment, the executor or administrator of such deceased party who was plaintiff, petitioner, or defendant, in case the cause of action doth by law survive, shall have full power to prosecute or defend any such suit or action until final judgment; and the defendant or defendants are hereby obliged to answer thereto accordingly; and the court before whom such cause may be depending, is hereby empowered and directed to hear and determine the same, and to render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator, having been duly served with a *scire facias* from the office of the clerk of the

court

court where such suit is depending twenty days beforehand, shall neglect or refuse to become a party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party to the suit. And the executor or administrator who shall become a party as aforesaid, shall, upon motion to the court where the suit is depending, be entitled to a continuance of the same until the next term of the said court. And if there be two or more plaintiffs or defendants, and one or more of them shall die, if the cause of action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated; but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs against the surviving defendant or defendants.

SECT. XXXII. *And be it further enacted*, That no summons, writ, declaration, return, process, judgment, or other proceedings in civil causes in any of the courts of the United States, shall be abated, arrested, quashed, or reversed, for any defect or want of form, but the said courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in such writ, declaration, or other pleading, return, process, judgment, or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially set down and express, together with his demurrer as the cause thereof. And the said courts respectively shall and may, by virtue of this act, from time to time, amend all and every such imperfections, defects, and want of form, other than those only which the party demurring shall express as aforesaid, and may at any time permit either of the parties to amend any defect in the process or pleadings, upon such condition as the said courts respectively shall in their discretion, and by their rules, prescribe.

SECT. XXXIII. *And be it further enacted*, That for any crime or offence against the United States, the offender may, by any Justice or Judge of the United States, or by any Justice of the Peace, or other Magistrate of any of the United States where he may be found, agreeably to the usual mode of process against offenders in such State, and at the expence of the United States, be arrested, and imprisoned or bailed, as the case may be, for trial, before such court of the United States, as by this act has cognizance of the offence: and copies of the process shall be returned, as speedily as may be, into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case; which recognizances the Magistrate before whom the examination shall be, may require, on pain of imprisonment. And if such commitment of the offender, or the witnesses, shall be in a district other than that in which the offence is to be tried, it shall be the duty of the Judge of that district where the delinquent is imprisoned, seasonably to issue, and of the Marshal of the same district to execute, a warrant for the removal of the offender, and the witnesses, or either of them, as the case may be, to the district in which the trial is to be had. And upon all arrests in criminal cases, bail shall be admitted, except where the punishment may be death, in which cases it shall not be admitted but by the supreme or a circuit court, or by a Justice of the supreme court, or a Judge of a district court, who shall exercise their discretion therein, regarding the nature and circumstances of the offence, and

of the evidence and the usages of law. And if a person committed by a Justice of the supreme, or a Judge of a district court, for an offence not punishable with death, shall afterwards procure bail, and there be no Judge of the United States in the district to take the same, it may be taken by any Judge of the supreme or superior court of law of such State.

SECT. XXXIV. *And be it further enacted*, That the laws of the federal States, except where the Constitution, treaties, or statutes of the United States shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the United States, in cases where they apply.

SECT. XXXV. *And be it further enacted*, That in all the courts of the United States the parties may plead and manage their own causes personally, or by the assistance of such counsel or attorneys at law as by the rules of the said courts respectively shall be permitted to manage and conduct causes therein. And there shall be appointed in each district a meet person, learned in the law, to act as Attorney for the United States in such district, who shall be sworn or affirmed to the faithful execution of his office, whose duty it shall be to prosecute in such district all delinquents for crimes and offences cognizable under the authority of the United States, and all civil actions in which the United States shall be concerned, except before the supreme court in the district in which that court shall be holden. And he shall receive, as a compensation for his services, such fees as shall be taxed therefor in the respective courts before which the suits or prosecutions shall be. And there shall also be appointed a meet person, learned in the law, to act as Attorney General for the United States, who shall be sworn or affirmed to a faithful execution of his office; whose duty it shall be to prosecute and conduct all suits in the supreme court in which the United States shall be concerned, and to give his advice and opinion upon questions of law, when required by the President of the United States, or when requested by the heads of any of the departments, touching any matters that may concern their departments, and shall receive such compensation for his services as shall be by law provided.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, September 24, 1789.

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXI.

An ACT to regulate PROCESSES in the COURTS of the UNITED STATES.

SECT. I. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That all writs and processes issuing from a supreme or a circuit court shall bear test of the Chief Justice of the supreme court, and if from a district court, shall bear test of the Judge of such court, and shall be under the seal of the court from whence they issue, and signed by the Clerk thereof. The seals of the supreme and circuit courts to be provided by the supreme court,

court; and of the district courts, by the respective Judges of the same.

SECT. II. *And be it further enacted*, That until further provision shall be made, and except where by this act and other statutes of the United States is otherwise provided, the forms of writs and executions, except their style, and modes of process and rates of fees, except fees to Judges, in the circuit and district courts, in suits at common law, shall be the same in each State respectively as are now used or allowed in the supreme courts of the same. And the forms and modes of proceedings in causes of equity, and of admiralty and maritime jurisdiction, shall be according to the course of the civil law; and the rates of fees the same as are or were last allowed by the States respectively in the court exercising supreme jurisdiction in such causes. *Provided*, That on judgments in any of the cases aforesaid, where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance, and be at liberty to pursue the same until a tender of the debt and costs in gold or silver shall be made.

SECT. III. *And be it further enacted*, That this act shall continue in force until the end of the next session of Congress, and no longer.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, September 29, 1789.

GEORGE WASHINGTON,
President of the United States.

CHAPTER LXVI.

An Act in addition to the Act entitled, "An Act to establish the Judicial Courts of the United States."

SECT. I. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the attendance of only one of the Justices of the supreme court, at the several circuit courts of the United States, to be hereafter held, shall be sufficient, any law requiring the attendance of two of the said Justices notwithstanding. *Provided*, That it shall be lawful for the supreme court, in cases where special circumstances shall, in their judgment, render the same necessary, to assign two of the said Justices to attend the circuit court or courts, and it shall be the duty of the Justices so assigned to attend accordingly. *And provided also*, That when only one Judge of the supreme court shall attend any circuit court, and the district Judge shall be absent, or shall have been of counsel, or be concerned in interest in any cause then pending, such circuit court may consist of the said Judge of the supreme court alone.

SECT. II. *And be it further enacted*, That if at any time only one Judge of the supreme court, and the Judge of the district shall sit in a circuit court, and upon a final hearing of a cause, or of a plea to the jurisdiction of the court, they shall be divided in opinion, it shall be continued to the succeeding court; and if upon the second hearing, when a different Judge of the supreme court shall be present, a like division shall take place, the district Judge adhering to his former opinion,
judgment

judgment shall be rendered in conformity to the opinion of the presiding Judge.

SECT. III. *And be it further enacted*, That the supreme court, or when the supreme court shall not be sitting, any one of the Justices thereof, together with the Judge of the district within which a special session, as hereafter authorized, shall be holden, may direct special sessions of the circuit courts to be holden for the trial of criminal causes, at any convenient place within the district, nearer to the place where the offences may be said to be committed, than the place or places appointed by law for the ordinary sessions. That the Clerk of such circuit court shall, at least thirty days before the commencement of such special session, cause the time and place for holding the same to be notified for at least three weeks successively in one or more of the newspapers published nearest to the place where the session is to be holden. That all process, writs, and recognizances of every kind, whether respecting juries, witnesses, bail, or otherwise, which relate to the cases to be tried at the said special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto. That any special session may be adjourned to any time or times previous to the next stated meeting of the circuit court. That all business depending for trial at any special court shall, at the close thereof, be considered as of course removed to the next stated term of the circuit court. And that the district courts of Maine and Kentucky shall have like power to hold special sessions for the trial of criminal causes, as hath been heretofore given, or is hereby given to the circuit courts, subject to the like regulations and restrictions.

SECT. IV. *And be it further enacted*, That bail for appearance in any court of the United States, in any criminal cause in which bail is by law allowed, may be taken by any Judge of the United States, any Chancellor, Judge of a supreme or superior court, or chief or first Judge of a court of Common Pleas of any State, or Mayor of a city in either of them, and by any person having authority from a circuit court, or the district courts of Maine or Kentucky to take bail; which authority, revocable at the discretion of such court, any circuit court, or either of the district courts of Maine or Kentucky, may give to one or more discreet persons learned in the law in any district for which such court is holden, where, from the extent of the district, and remoteness of its parts from the usual residence of any of the before-named officers, such provision shall, in the opinion of the court, be necessary. *Provided*, That nothing herein shall be construed to extend to taking bail in any case where the punishment for the offence may be death; nor to abridge any power heretofore given by the laws of the United States, to any description of persons to take bail.

SECT. V. *And be it further enacted*, That writs of *ne exeat* and of injunction may be granted by any Judge of the supreme court, in cases where they might be granted by the supreme or a circuit court; but no writ of *ne exeat* shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the Court, or Judge, granting the same, that the defendant designs quickly to depart from the United States; nor shall a writ of injunction be granted to stay proceedings in any court of a State; nor shall such writ be granted in any case, without reasonable previous notice to the adverse party, or his Attorney, of the time and place of moving for the same.

SECT. VI. *And be it further enacted*, That subpoenas for witnesses who may be required to attend a court of the United States in any district

trict thereof, may run into any other district; *provided*, That in civil causes, the witnesses living out of the district in which the court is holden, do not live at a greater distance than 100 miles from the place of holding the same.

SECT. VII. *And be it further enacted*, That it shall be lawful for the several courts of the United States, from time to time, as occasion may require, to make rules and orders for their respective courts, directing the returning of writs and processses, the filing of declarations, and other pleadings, the taking of rules, the entering and making up judgments by default, and other matters in the vacation and otherwise, in a manner not repugnant to the laws of the United States, to regulate the practice of the said courts respectively, as shall be fit and necessary for the advancement of justice, and especially to that end to prevent delays in proceedings.

SECT. VIII. *And be it further enacted*, That where it is now required, by the laws of any State, that goods taken in execution on a writ of *fieri facias*, shall be appraised, previous to the sale thereof, it shall be lawful for the appraisers thereof, appointed under the authority of the State, to appraise goods taken in execution, on a *fieri facias* issued out of any court of the United States, in the same manner as if such writ had issued out of a court held under the authority of the State; and it shall be the duty of the Marshal in whose custody such goods may be, to summon the appraisers in like manner as the Sheriff is by the laws of the State required to summon them; and the appraisers shall be entitled to the like fees as in cases of appraisements under the laws of the State; and if the appraisers, being duly summoned, shall fail to attend and perform the duties required of them, the Marshal may proceed to sell such goods without an appraisalment.

JONATHAN TRUMBULL,
Speaker of the House of Representatives.

JOHN LANGDON, *President pro tempore of the Senate.*

Approved, March 2, 1793.

GEORGE WASHINGTON,
President of the United States.

CHAPTER XXXVI.

An ACT for regulating Processes in the Courts of the United States, and providing Compensation for the Officers of the said Courts, and for Jurors and Witnesses.

SECT. I. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That all writs and processses issuing from the supreme or a circuit court, shall bear test of the Chief Justice of the supreme court, or (if that office shall be vacant) of the associate justice next in precedence; and all writs and processses issuing from a district court, shall bear the test of the Judge of such court, or (if that office shall be vacant) of the clerk thereof, which said writs and processses shall be made under the seal of the court from whence they issue, and signed by the clerk thereof. The seals shall be provided at the expence of the United States,

SECT.

SECT. II. *And be it further enacted*, That the forms of writs, executions, and other process, except their stile and the forms and modes of proceeding in suits of those in common law, shall be the same as are now used in the said courts respectively in pursuance of the act, entitled, "An act to regulate processes in the courts of the United States," in those of equity, and in those of admiralty and maritime jurisdiction, according to the principles, rules, and usages which belong to the courts of equity and to the courts of admiralty respectively, as contradistinguished from courts of common law; except so far as may have been provided for by the act to establish the judicial courts of the United States; subject, however, to such alterations and additions as the said courts respectively shall, in their discretion, deem expedient, or to such regulations as the supreme court of the United States shall think proper from time to time by rule to prescribe to any circuit or district court concerning the same: *Provided*, That on judgments in any of the cases aforesaid, where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance.

SECT. III. *And be it further enacted*, That from and after the passing of this act, the fees and compensations to the several officers and other persons hereafter mentioned, shall be as follows; that is to say, To the Marshals of the several districts of the United States, for the service of any writ, warrant, attachment, or process in Chancery, on each person named in the same, two dollars; for his travel out in serving each writ, warrant, attachment, or process aforesaid, five cents per mile, to be computed from the place of service to the court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the court to the place of service which is most remote, adding thereto the extra travel necessary to serve it on the other: *Provided*, That the fee for travel where there is one person named in such writ, warrant, attachment, or process, shall in no case exceed seven dollars, and when there are more than one, the fee for each extra travel shall not exceed one dollar above seven dollars for each person; for each bail-bond, fifty cents; for selling goods and vessels condemned, and receiving and paying the money, three per cent; for every commitment or discharge of a prisoner, fifty cents; for summoning witnesses, where he does it, each thirty cents; for summoning a grand or petit jury, each three dollars: *Provided*, That in those States where jurors, by the laws of the State, are drawn by constables or other officers of corporate towns or places by lot, the Marshals shall receive for the use of such constables or officers, the fees allowed for summoning juries. For attending the supreme circuit or district courts, five dollars per day, and at the rate of ten cents per mile for his expenses and time in travelling from the place of his abode to either of the said courts. For levying an execution, and for all other services not herein enumerated, such fees or compensation as are allowed in the supreme court of the State where the services shall be rendered. To the Clerk of the supreme court of the United States, ten dollars per day, for his attendance in court, and for his other services, in discharging the duties of his office, double the fees of the clerks of the supreme court of that State in which the supreme court of the United States shall be holden. To the Clerk of the district and circuit courts, such fees in each State respectively as are allowed in the supreme courts of the same; and five dollars per day, for his attendance on any circuit or district court, and at the rate of ten cents per mile for his expenses and time in travelling from his place of abode to either of the

the said courts. And in case any clerk of a court of the United States shall, in discharging the duties of his office, perform any kind of service which is not performed by the clerks of the courts of the State, and for which the laws of the State make no allowance, the court in which such service shall be rendered may allow a reasonable compensation therefor. To each grand and petit juror fifty cents per day for his attending in court, and for travelling, at the rate of five cents per every mile from their respective places of abode to the place where the court is held, and the like allowance for returning. To witnesses summoned in any of the courts of the United States, the same compensations in each State respectively as are allowed in the supreme courts of the same. To the attorney of the United States for the district, such fees in each State respectively as are allowed in the supreme courts of the same, and also the like compensation for travelling as is above allowed to the clerks of the district and circuit courts.

SECT. IV. *And be it further enacted*, That the Marshal shall have the custody of all vessels and goods seized by any officer of the revenue, and shall be allowed such compensation therefor as the court may judge reasonable; and there shall be paid to the Marshal the amount of the expence for fuel, candles, and other reasonable contingencies that may accrue in holding the courts within his district, and providing the books necessary to record the proceedings thereof: and such amount, as also the compensations aforesaid to the grand and petit jurors. To the witnesses summoned on the part of the United States; to the clerk of the supreme court, for his attendance; to the clerks of the district and district courts, for their travelling and attendance; to the attorney of the district, for his travelling to court; to the Marshal for his attendance at court, for summoning grand and petit jurors and witnesses in behalf of any prisoner to be tried for a capital offence; for the maintenance of prisoners confined in goal for any criminal offence, and for the commitment or discharge of such prisoner; and also the legal fees of the clerk, attorney, and Marshal in criminal prosecutions, shall be included in the account of the Marshal; and the same having been examined and certified by the court, or one of the judges of it in which the service shall have been rendered, shall be passed in the usual manner at, and the amount thereof paid out of, the Treasury of the United States, to the Marshal, and by him shall be paid over to the persons entitled to the same, and the Marshal shall be allowed two and a half per cent. on the amount by him so paid over, to be charged in his future account.

SECT. V. *And be it further enacted*, That in every prosecution for any fine or forfeiture incurred under any statutes of the United States, if judgment is rendered against the defendant, he shall be subject to the payment of costs. And on every conviction for any other offence not capital, the Court may, in their discretion, award that the defendant shall pay the costs of prosecution. And if any informer or plaintiff on a penal statute, to whose benefit the penalty or any part thereof if recovered is directed by law to accrue, shall discontinue his suit or prosecution, or shall be nonsuit in the same, or if upon trial a verdict shall pass for the defendant, the Court shall award to the defendant his costs, unless such informer or plaintiff be an officer of the United States specially authorized to commence such prosecution, and the court before whom the action or information shall be tried, shall at the trial in open court, certify upon record, that there was reasonable cause for commencing the same, in which case no costs shall be adjudged to the defendant.

SECT. VI. *And be it further enacted*, That the fees and compensations to the several officers and persons herein-before mentioned, other than those which are above directed to be paid out of the Treasury of the United States, shall be recovered in like manner as the fees of the officers of the States respectively for like services are recovered.

SECT. VII. *And be it further enacted*, That if any officer herein-before mentioned, or his deputy, shall, by reason or colour of his office, wilfully and corruptly demand and receive any greater fees than those allowed by this act, he shall, on conviction thereof in any court of the United States, forfeit and pay a fine not exceeding five hundred dollars, or be imprisoned, not exceeding six months, at the discretion of the court before whom the conviction shall be.

SECT. VIII. *And be it further enacted*, That the act passed at last session of Congress, entitled, "An act to continue in force, for a limited time, an act passed in the first session of Congress, entitled, "An act to regulate processes in the courts of the United States;" and also another act passed at the last session of Congress, entitled, "An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes," be, and the same are hereby repealed.

SECT. IX. *And be it further enacted*, That it shall be the duty of the clerk of the supreme court of the United States forthwith to transmit to the clerks of the several courts the form of a writ of error, to be approved by any two of the Judges of the supreme court, and it shall be lawful for the clerks of the said circuit courts to issue writs of error agreeably to such forms, as nearly as the case may admit, under the seal of the said circuit courts, returnable to the supreme court, in the same manner as the clerk of the supreme court may issue such writs, in pursuance of the act, entitled, "An act to establish the judicial courts of the United States."

SECT. X. *And be it further enacted*, That it shall and may be lawful for the clerks of the district and circuit courts, in the absence, or in case of the disability of the Judges, to take recognizances of special bail, *de bene esse*, in any action depending in either of the said courts, and also the affidavits of all surveyors relative to their reports, and to administer oaths to all persons identifying papers found on board of vessels or elsewhere, to be used on trials in admiralty causes.

SECT. XI. *And be it further enacted*, That in all suits and actions in any district court of the United States, in which it shall appear that the Judge of such court is any ways concerned in interest, or has been of counsel for either party, it shall be the duty of such Judge, on application of either party, to cause the fact to be entered on the minutes of the court, and also to order an authenticated copy thereof, with all the proceedings in such suit or action, to be forthwith certified to the next circuit court of the district, which circuit court shall thereupon take cognizance thereof, in the like manner as if it had been originally commenced in that court, and shall proceed to hear and determine the same accordingly.

SECT. XII. *And be it further enacted*, That all the records and proceedings of the court of appeal heretofore appointed, previous to the adoption of the present constitution, shall be deposited in the office of the clerk of the supreme court of the United States, who is hereby authorized and directed to give copies of all such records and proceedings to any person requiring and paying for the same, in like manner as copies of the records and other proceedings of the said court are by law directed

directed to be given: which copies shall have like faith and credit as all other proceedings of the said court.

JONATHAN TRUMBULL, *Speaker of the House of Representatives.*

RICHARD HENRY LEE, *President pro tempore of the Senate.*

Approved, May 8, 1793.

GEO. WASHINGTON,
President of the United States.

APPENDIX H.

CHAPTER XVIII.

An ACT for allowing certain Compensations to the Judges of the Supreme and other Courts, and to the Attorney General of the United States.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there shall be allowed to the Judges of the supreme and other courts of the United States the yearly compensations herein-after mentioned; to wit, to the Chief Justice, four thousand dollars; to each of the Justices of the supreme court, three thousand five hundred dollars; to the Judge of the district of Maine, one thousand dollars; to the Judge of the district of New-Hampshire, one thousand dollars: to the Judge of the district of Massachusetts, twelve hundred dollars; to the Judge of the district of Connecticut, one thousand dollars; to the Judge of the district of New-York, fifteen hundred dollars; to the Judge of the district of New-Jersey, one thousand dollars; to the Judge of the district of Pennsylvania, sixteen hundred dollars; to the Judge of the district of Delaware, eight hundred dollars; to the Judge of the district of Maryland, fifteen hundred dollars; to the Judge of the district of Virginia, eighteen hundred dollars; to the Judge of the district of Kentucky, one thousand dollars; to the Judge of the district of South Carolina, eighteen hundred dollars; to the Judge of the district of Georgia, fifteen hundred dollars; and to the Attorney General of the United States, fifteen hundred dollars; which compensations shall commence from their respective appointments, and to be paid at the treasury of the United States in quarterly payments.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,
and President of the Senate.*

Approved, September 23, 1789.

GEORGE WASHINGTON,
President of the United States.

APPENDIX I.

CHAPTER IX.

An ACT for the Punishment of certain Crimes against the United States.

SECT. I. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That if any person or persons owing allegiance to the United States of America shall levy war against them, or shall adhere to their enemies, giving them aid and comfort within the United States or elsewhere, and shall be thereof convicted, on confession in open court, or on the testimony of two witnesses to the same overt-act of the treason whereof he or they shall stand indicted, such person or persons shall be adjudged guilty of treason against the United States, and shall suffer death.

SECT. II. *And be it enacted,* That if any person or persons, having knowledge of the commission of any of the treasons aforesaid, shall conceal, and not as soon as may be disclose and make known the same to the President of the United States, or some one of the Judges thereof, or to the President or Governor of a particular State, or some one of the Judges or Justices thereof, such person or persons, on conviction, shall be adjudged guilty of misprision of treason, and shall be imprisoned not exceeding seven years, and fined not exceeding one thousand dollars.

SECT. III. *And be it enacted,* That if any person or persons shall, within any fort, arsenal, dock-yard, magazine, or in any other place or district of country, under the sole and exclusive jurisdiction of the United States, commit the crime of wilful murder, such person or persons, on being thereof convicted, shall suffer death.

SECT. IV. *And be it also enacted,* That the court before whom any person shall be convicted of the crime of murder, for which he or she shall be sentenced to suffer death, may, at their discretion, add to the judgment, that the body of such offender shall be delivered to a surgeon for dissection; and the Marshal, who is to cause such sentence to be executed, shall accordingly deliver the body of such offender, after execution done, to such surgeon as the court shall direct, for the purpose aforesaid: *Provided,* That such surgeon, or some other person by him appointed for the purpose, shall attend to receive and take away the dead body at the time of the execution of such offender.

SECT. V. *And be it further enacted,* That if any person or persons shall, after such execution had, by force rescue, or attempt to rescue, the body of such offender out of the custody of the Marshal, or his officers, during the conveyance of such body to any place for dissection as aforesaid; or shall by force rescue, or attempt to rescue, such body from the house of any surgeon, where the same shall have been deposited in pursuance of this act, every person so offending shall be liable to a fine not exceeding one hundred dollars, and an imprisonment not exceeding twelve months.

SECT. IV. *And be it enacted,* That if any person or persons having knowledge of the actual commission of the crime of wilful murder, or other felony, upon the high seas, or within any fort, arsenal, dock-yard, magazine, or other place or district of country, under the sole and exclusive jurisdiction of the United States, shall conceal, and not as soon as may be disclose and make known the same to some one of the Judges, or other persons in civil or military authority under the United States,

States, on conviction thereof, such person or persons shall be adjudged guilty of misprision of felony, and shall be imprisoned, not exceeding three years, and fined, not exceeding five hundred dollars.

SECT. VII. *And be it enacted*, That if any person or persons shall, within any fort, arsenal, dock yard, magazine, or other place or district of country, under the sole and exclusive jurisdiction of the United States, commit the crime of man-slaughter, and shall be thereof convicted, such person or persons shall be imprisoned, not exceeding three years, and fined, not exceeding one thousand dollars.

SECT. VIII. *And be it enacted*, That if any person or persons shall commit, upon the high seas, or in any river, haven, basin, or bay, out of the jurisdiction of any particular State, murder or robbery, or any other offence, which, if committed within the body of a county, would by the laws of the United States be punishable with death; or if any captain, or mariner of any ship, or other vessel, shall piratically and feloniously run away with such ship or vessel, or any goods or merchandize, to the value of fifty dollars, or yield up such ship or vessel voluntarily to any pirate; or if any seaman shall lay violent hands upon his commander, thereby to hinder and prevent his fighting in defence of his ship or goods committed to his trust, or shall make a revolt in the ship;—every such offender shall be deemed, taken and adjudged to be a pirate and felon, and being thereof convicted, shall suffer death; and the trial of crimes committed on the high seas, or in any place out of the jurisdiction of any particular State, shall be in the district where the offender is apprehended, or into which he may first be brought.

SECT. IX. *And be it enacted*, That if any citizen shall commit any piracy or robbery aforesaid, or any act of hostility against the United States, or any citizen thereof, upon the high sea, under colour of any commission from any foreign Prince or State, or on pretence of authority from any person, such offender shall, notwithstanding the pretence of any such authority, be deemed, adjudged, and taken to be a pirate, felon, and robber, and on being thereof convicted, shall suffer death.

SECT. X. *And be it enacted*, That every person who shall, either upon the land or the seas, knowingly and wittingly aid and assist, procure, command, counsel, or advise any person or persons to do or commit any murder or robbery, or other piracy aforesaid, upon the seas, which shall affect the life of such person, and such person or persons shall thereupon do or commit any such piracy or robbery, then all and every such person so as aforesaid aiding, assisting, procuring, commanding, counselling, or advising the same, either upon the land or the sea, shall be and they are hereby declared, deemed, and adjudged, accessory to such piracies before the fact, and every such person being thereof convicted shall suffer death.

SECT. XI. *And be it enacted*, That after any murder, felony, robbery, or other piracy whatsoever aforesaid, is or shall be committed by any pirate or robber, every person who, knowing that such pirate or robber has done or committed any such piracy or robbery, shall, on the land or at sea receive, entertain, or conceal any such pirate or robber, or receive and take into his custody any ship, vessel, goods or chattels, which have been by any such pirate or robber piratically and feloniously taken, shall be and are hereby declared, deemed and adjudged accessory to such piracy or robbery after the fact; and on conviction thereof, shall be imprisoned, not exceeding three years, and fined, not exceeding five hundred dollars;

SECT.

SECT. XII. *And be it enacted*, That if any seaman or other person shall commit man-slaughter upon the high seas, or confederate, or attempt or endeavour to corrupt any commander, master, officer, or mariner, to yield up or to run away with any ship or vessel, or with any goods, wares, or merchandize, or to turn pirate, or to go over to or confederate with pirates, or in any wise trade with any pirate, knowing him to be such, or shall furnish such pirate with any ammunition, stores, or provisions of any kind, or shall fit out any vessel knowingly and with a design to trade with, or supply, or correspond with any pirate or robber upon the seas; or if any person or persons shall any ways consult, combine, confederate, or correspond with any pirate or robber on the seas, knowing him to be guilty of any such piracy or robbery; or if any seaman shall confine the master of any ship or other vessel, or endeavour to make a revolt in such ship, such person or persons so offending, and being thereof convicted, shall be imprisoned, not exceeding three years, and fined, not exceeding one thousand dollars.

SECT. XIII. *And be it enacted*, That if any person or persons, within any of the places upon the land under the sole and exclusive jurisdiction of the United States, or upon the high seas, in any vessel belonging to the United States, or to any citizen or citizens thereof, on purpose and of malice aforethought, shall unlawfully cut off the ear or ears, or cut out or disable the tongue, put out an eye, slit the nose, cut off the nose, or a lip, or cut off and disable any limb, or member of any person, with intention, in so doing, to maim or disfigure such person in any of the manners before-mentioned, then, and in every such case, the person or persons so offending, their counsellors, aiders and abettors (knowing of and privy to the offence aforesaid) shall, on conviction, be imprisoned, not exceeding seven years, and fined, not exceeding one thousand dollars.

SECT. XIV. *And be it enacted*, That if any person or persons shall falsely make, alter, forge, or counterfeit, or cause, or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, or counterfeiting, any certificate, indent, or other public security of the United States, or shall utter, put off, or offer, or cause to be uttered, put off, or offered in payment, or for sale, any such false, forged, altered, or counterfeited certificate, indent, or other public security, with an intention to defraud any person, knowing the same to be false, altered, forged, or counterfeited, and shall be thereof convicted, every such person shall suffer death.

SECT. XV. *And be it enacted*, That if any person shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceedings, in any of the courts of the United States, by means whereof any judgment shall be reversed, made void, or not take effect; or if any person shall acknowledge, or procure to be acknowledged, in any of the courts aforesaid, any recognizance, bail, or judgment, in the name or names of any other person or persons, not privy or consenting to the same, every such person or persons, on conviction thereof, shall be fined, not exceeding five thousand dollars, or be imprisoned, not exceeding seven years, and whipped, not exceeding thirty-nine stripes. *Provided nevertheless*, That this act shall not extend to the acknowledgment of any judgment or judgments by any attorney or attornies, duly admitted, for any person or persons against whom any such judgment or judgments shall be had or given.

SECT. XVI. *And be it enacted*, That if any person within any of the places under the sole and exclusive jurisdiction of the United States,

States, or upon the high seas, shall take and carry away, with an intent to steal, or purloin, the personal goods of another; or if any person or persons, having at any time hereafter the charge and custody of any arms, ordnance, ammunition, shot, powder, or habiliments of war, belonging to the United States, or of any victuals provided for the victualling of any soldiers, gunners, marines, or pioneers, shall, for any lucre or gain, or wittingly, advisedly, and of purpose to hinder or impede the service of the United States, embezzle, purloin, or convey away, any of the said arms, ordnance, ammunition, shot, or powder, habiliments of war, or victuals, that then, and in every of the cases aforesaid, the person or persons so offending, their counsellors, aiders and abettors (knowing of and privy to the offences aforesaid) shall, on conviction, be fined, not exceeding the fourfold value of the property so stolen, embezzled, or purloined; the one moiety to be paid to the owner of the goods, or to the United States, as the case may be, and the other moiety to the informer or prosecutor, and be publicly whipped, not exceeding thirty-nine stripes.

SECT. XVII. *And be it further enacted*, That if any person or persons within any part of the jurisdiction of the United States, as aforesaid, shall receive or buy any goods or chattels that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, or shall receive, harbour, or conceal, any felons or thieves, knowing them to be so, he or they being of either of the said offences legally convicted, shall be liable to the like punishments as in the case of larceny before are prescribed.

SECT. XVIII. *And be it enacted*, That if any person shall wilfully and corruptly commit perjury, or shall, by any means, procure any person to commit corrupt and wilful perjury, on his or her oath, or affirmation, in any suit, controversy, matter, or cause, depending in any of the courts of the United States, or in any deposition taken pursuant to the laws of the United States, every person so offending, and being thereof convicted, shall be imprisoned, not exceeding three years, and fined, not exceeding eight hundred dollars; and shall stand in the pillory for one hour, and be thereafter rendered incapable of giving testimony in any of the courts of the United States, until such time as the judgment so given against the said offender shall be reversed.

SECT. XIX. *And be it enacted*, That in every presentment or indictment to be prosecuted against any person for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the oath, or affirmation, was taken, (averring such court, or person or persons, to have a competent authority to administer the same) together with the proper averment or averments, to falsify the matter or matters wherein the perjury or perjuries is or are assigned; without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, other than as aforesaid, and without setting forth the commission or authority of the court, or person or persons, before whom the perjury was committed.

SECT. XX. *And be it further enacted*, That in every presentment or indictment for subordination of perjury, or for corrupt bargaining or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record, or proceeding, either in law

law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed.

SECT. XXI. *And be it enacted*, That if any person shall directly or indirectly give any sum or sums of money, or any other bribe, present, or reward, or any promise, contract, obligation, or security for the payment or delivery of any money, present, or reward, or any other thing, to obtain or procure the opinion, judgment, or decree, of any Judge or Judges of the United States, in any suit, controversy, matter, or cause, depending before him or them, and shall be thereof convicted, such person or persons so giving, promising, contracting, or securing to be given, paid, or delivered, any sum or sums of money, present, reward or other bribe, as aforesaid; and the Judge or Judges who shall in any wise accept or receive the same, on conviction thereof, shall be fined and imprisoned at the discretion of the court, and shall for ever be disqualified to hold any office of honour, trust, or profit, under the United States.

SECT. XXII. *And be it enacted*, That if any person or persons shall knowingly and wilfully obstruct, resist, and oppose, any officer of the United States, in serving or attempting to serve or execute any mesne process, or warrant, or any rule or order of any of the courts of the United States, or any other legal or judicial writ or process whatsoever, or shall assault, beat, or wound any officer, or other person duly authorized in serving or executing any writ, rule, order, process, or warrant aforesaid, every person so knowingly and wilfully offending in the premises, shall, on conviction thereof, be imprisoned, not exceeding twelve months, and fined, not exceeding three hundred dollars.

SECT. XXIII. *And be it further enacted*, That if any person or persons shall by force set at liberty, or rescue, any person who shall be found guilty of treason, murder, or any other capital crime, or rescue any person convicted of any of the said crimes, going to execution, or during execution, every person so offending, and being thereof convicted, shall suffer death. And if any person shall by force set at liberty, or rescue any person who before conviction shall stand committed for any of the capital offences aforesaid; or if any person or persons shall by force set at liberty or rescue any person committed for or convicted of any other offence against the United States, every person so offending shall, on conviction, be fined, not exceeding five hundred dollars, and imprisoned, not exceeding one year.

SECT. XXIV. *Provided always, and be it enacted*, That no conviction or judgment for any of the offences aforesaid shall work corruption of blood, or any forfeitures of estate.

SECT. XXV. *And be it enacted*, That if any writ or process shall at any time hereafter be sued forth, or prosecuted by any person or persons, in any of the courts of the United States, or in any of the courts of a particular State, or by any Judge or Justice therein, respectively, whereby the person of any ambassador or other public minister of any foreign Prince or State, authorized and received as such by the President of the United States, or any domestic or domestic servant of any such ambassador or other public minister, may be arrested or imprisoned, or his or their goods or chattels be distrained, seized, or attached, such writ or process shall be deemed and adjudged to be utterly null and void, to all intents, construction, and purposes whatsoever.

SECT. XXVI. *And be it enacted*, That in case any person or persons shall sue forth or prosecute any such writ or process, such person

or

or persons, and all attornies or solicitors, prosecuting or soliciting such case, and all officers executing any such writ or process, being thereof convicted, shall be deemed violators of the laws of nations, and disturbers of the public repose, and imprisoned, not exceeding three years, and fined at the discretion of the court.

SECT. XXVII. *Provided nevertheless*, That no citizen or inhabitant of the United States, who shall have contracted debts prior to his entering into the service of any ambassador, or other public minister, which debts shall be still due and unpaid, shall have, take, or receive any benefit of this act; nor shall any person be proceeded against by virtue of this act, for having arrested or sued any other domestic servant of any ambassador or any other public minister, unless the name of such servant be first registered in the office of the Secretary of State, and by such Secretary transmitted to the Marshal of the district in which Congress shall reside, who shall, upon receipt thereof, affix the name in some public place in his office, whereto all persons may resort and take copies without fee or reward.

SECT. XXVIII. *And be it enacted*, That if any person shall violate any safe-conduct or passport, duly obtained and issued under the authority of the United States, or shall assault, strike, wound, imprison, or in any other manner infract the law of nations, by offering violence to the person of an ambassador or other public minister, such persons so offending, on conviction, shall be imprisoned, not exceeding three years, and fined at the discretion of the court.

SECT. XXIX. *And be it enacted*, That any person who shall be accused and indicted of treason, shall have a copy of the indictment, and a list of the jury and witnesses to be produced on the trial for proving the said indictment, mentioning the names and places of abode of such witnesses and jurors, delivered in to him at least three entire days before he shall be tried for the same; and in other capital offences, shall have such copy of the indictment and list of the jury two entire days at least before the trial. And that every person so accused and indicted for any of the crimes aforesaid, shall also be allowed and admitted to make his full defence by counsel learned in the law; and the court before whom such person shall be tried, or some Judge thereof, shall, and they are hereby authorized and required immediately upon his request, to assign to such person such counsel, not exceeding two, as such person shall desire, to whom such counsel shall have free access at all seasonable hours; and every such person or persons accused or indicted of the crimes aforesaid, shall be allowed and admitted, in his said defence, to make any proof that he or they can produce, by lawful witness or witnesses, and shall have the like process of the court where he or they shall be tried, to compel his or their witnesses to appear at his or their trial, as is usually granted to compel witnesses to appear on the prosecution against them.

SECT. XXX. *And be it further enacted*, That if any person or persons be indicted of treason against the United States, and shall stand mute, and refuse to plead, or shall challenge peremptorily above the number of thirty-five of the jury; or if any person or persons be indicted of any other of the offences hereinbefore set forth, for which the punishment is declared to be death, if he or they shall also stand mute, or will not answer to the indictment, or challenge peremptorily above the number of twenty persons of the jury; the court, in any of the cases aforesaid, shall, notwithstanding, proceed to the trial of the person or persons so standing mute or challenging, as if he or they had pleaded not guilty, and render judgment thereon accordingly.

SECT. XXXI. *And be it further enacted*, That the benefit of clergy shall not be used or allowed, upon conviction of any crime, for which, by any statute of the United States, the punishment is or shall be declared to be death.

SECT. XXXII. *And be it further enacted*, That no person or persons shall be prosecuted, tried, or punished, for treason, or other capital offence aforesaid, wilful murder or forgery excepted, unless the indictment for the same shall be found by a grand jury within three years next after the treason or capital offence aforesaid shall be done or committed; nor shall any person be prosecuted, tried, or punished, for any offence not capital, nor for any fine or forfeiture, under any penal statute, unless the indictment or information for the same shall be found or instituted within two years from the time of committing the offence, or incurring the fine or forfeiture aforesaid: *Provided*, That nothing herein contained shall extend to any person or persons fleeing from justice.

SECT. XXXIII. *And be it further enacted*, That the manner of inflicting the punishment of death, shall be by hanging the person convicted by the neck until dead.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, April 30, 1790.

GEORGE WASHINGTON,
President of the United States.

APPENDIX K.

PUBLIC CREDIT.

An ACT making Provision for the Debt of the United States.

WHEREAS justice and the support of public credit require that provision should be made for fulfilling the engagements of the United States in respect to their foreign debt, and for funding their domestic debt upon equitable and satisfactory terms:

SEC. I. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That, reserving out of the monies which have arisen since the last day of December last past, and which shall hereafter arise from the duties on goods, wares, and merchandize imported into the United States, and on the tonnage of ships or vessels, the yearly sum of six hundred thousand dollars, or so much thereof as may be appropriated, from time to time, towards the support of the government of the United States, and their common defence, the residue of the said monies, or so much thereof as may be necessary, as the same shall be received in each year next after the sum reserved as aforesaid, shall be, and is hereby, appropriated to the payment of the interest which shall from time to time become due on the loans heretofore made by the United States in foreign countries: and also to the payment of interest on such further loans as may be obtained for discharging the arrears of interest thereupon, and the whole or any part of the principal thereof, to continue so appropriated until the said loans, as well those already made, as those which may be made in
virtue

virtue of this act, shall be fully satisfied, pursuant to the contracts relating to the same; any law to the contrary notwithstanding. *And provided,* That nothing herein contained, shall be construed to annul or alter any appropriation by law made prior to the passing of this act. And as new loans are and will be necessary for the payment of the aforesaid arrears of interest, and the instalments of the principal of the said foreign debts due and growing due, and may also be found expedient for effecting an entire alteration in the state of the same.

SECT. II. *And be it further enacted,* That the President of the United States be, and is hereby authorized to cause to be borrowed on behalf of the United States, a sum or sums not exceeding in the whole twelve millions of dollars; and that so much of this sum as may be necessary to the discharge of the said arrears and instalments, and (if it can be effected upon terms advantageous to the United States) to the paying of the whole of the said foreign debt to be appropriated solely to those purposes: and the President is moreover further authorized to cause to be made such other contracts respecting the said debt, as shall be found for the interest of the said States. *Provided nevertheless,* That no engagement or contract shall be entered into which shall preclude the United States from reimbursing any sum or sums borrowed within fifteen years after the same shall have been lent or advanced. And whereas it is desirable to adapt the nature of the provision to be made for the domestic debt to the present circumstances of the United States, as far as it shall be found practicable, consistently with good faith and the rights of the creditors, which can only be done by a voluntary loan on their part.

SECT. III. *Be it therefore further enacted,* That a loan to the full amount of the said domestic debt be, and the same is hereby proposed; and that books for receiving subscriptions to the said loan be opened at the Treasury of the United States, and by a commissioner to be appointed in each of the said States, on the first day of October next, to continue open until the last day of September following, inclusively; and that the sums which shall be subscribed thereto be payable in certificates issued for the said debt according to their specie value, and computing the interest on such as bear interest to the last day of December next, inclusively: which said certificates shall be of these several descriptions, to wit:

Those issued by the Register of the Treasury.

Those issued by the Commissioners of Loans in the several States, including certificates to be given pursuant to the act of Congress on the second of January, one thousand seven hundred and seventy-nine, for bills of credit of the several commissions of the twentieth of May, one thousand seven hundred and seventy-seven, and the eleventh of April, one thousand seven hundred and seventy-eight.

Those issued by the Commissioners for the adjustment of the accounts of the quarter-master, commissary, hospital, clothing, and marine departments.

Those issued by the Commissioners for the adjustment of accounts in the respective States.

Those issued by the late and present Paymaster-general or Commissioner of army accounts.

Those issued for the payment of interest commonly called Indents of Interest.

And in the bills of credit issued by the authority of United States in Congress assembled, at the rate of one hundred dollars in the said bills, for one dollar in specie.

SECT. IV. *And be it further enacted*, That for the whole or any part of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal of the said domestic debt, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein equal to two-thirds of the sum so paid, ~~leaving an interest~~ of six centum per annum, payable quarter-yearly, and subject to redemption by payments not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon an hundred of the sum mentioned in such certificate; and to another certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to the proportion of thirty-three dollars and one-third of a dollar upon a hundred of the sum so paid, which, after the year one thousand eight hundred, shall bear an interest of six per centum per annum, payable quarter-yearly, and subject to redemption by payments not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred upon the sum mentioned in such certificate: *Provided*, That it shall not be understood that the United States shall not be bound or obliged to redeem in the proportion aforesaid, but it shall be understood only that they have a right so to do.

SECT. V. *And be it further enacted*, That for the whole or any part of any sum subscribed to the said loan by any person or persons, or body politic, which shall be paid in the interest of the said domestic debt, computed to the said last day of December next, or in the said certificates issued in payment of interest, commonly called Indents of Interest, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be specified therein, equal to that by him, her, or them so paid, bearing an interest of three per centum per annum, payable quarter-yearly, and subject to redemption by payment of the sum specified therein, whenever provision shall be made by the law for that purpose.

SECT. VI. *And be it further enacted*, That a commissioner be appointed for each State, to reside therein, whose duty it shall be to superintend the subscriptions to the said loan: to open books for the same; to receive certificates which shall be presented in payment thereof; to liquidate the specie value of such of them as shall not have been before liquidated; to issue the certificates above mentioned in lieu thereof, according to the terms of each subscription; to enter in books to be by him kept for that purpose, credits to the respective subscribers to the said loan for the sums to which they shall be respectively entitled; to transfer the said credits upon the said books from time to time as shall be requisite; to pay the interest thereupon as the same shall become due, and generally to observe and perform such directions and regulations as shall be subscribed to him by the Secretary of the Treasury, touching the execution of his office.

SECT. VII. *And be it further enacted*, That the stock which shall be created pursuant to this act, shall be transferable only on the books of the Treasury, or of the said Commissioners respectively, upon which the credit of the same shall exist at the time of transfer, by the proprietor or proprietors of such stock, his, her, or their attorney: but it shall be lawful for the Secretary of the Treasury, by special warrant under his hand, and the seal of the Treasury, countersigned by the Comptroller, and registered by the Register, at the request of the respective proprietors,

prietors, to authorize the transfer of such stock from the books of one commissioner to those of another commissioner, or to those of the Treasury, and from those of the Treasury to those of a commissioner.

SECT. VIII. *And be it further enacted*, That the interest upon the said stock as the same shall become due, shall be payable quarter-yearly, that is to say, on the last day of March, one-fourth part thereof on the last day of June, one-fourth part thereof on the last day of September; and the remaining fourth thereof part on the last day of December in each year, beginning on the last day of March ensuing, and payment shall be made wheresoever the credit of the said stock shall exist at the time such interest shall become due, that is to say, at the Treasury, if the credit of the same shall then exist on the books of the Treasury, or at the office of the Commissioner upon whose books such credit shall then exist. But if the interest for one quarter shall not be demanded before the expiration of a third quarter, the same shall be afterwards demanded only at the Treasury.

And as it may happen that some of the creditors of the United States may not think fit to become subscribers to the said loan;

SECT. IX. *Be it further enacted*, That nothing in this act contained shall be construed in any wise to alter, abridge, or impair the rights of those creditors of the United States, who shall not subscribe to the said loan, or to the contracts upon which their respective claims are founded, but the said contract rights shall remain in full force and virtue.

And that such creditors may not be excluded from a participation in the benefit hereby intended to the creditors of the United States in general, while the said proposed loan shall be depending, and until it shall appear from the event thereof, what farther or other arrangements may be necessary respecting the said domestic debt:

SECT. X. *Be it therefore further enacted*, That such of the creditors of the United States as may not subscribe to the said loan, shall, nevertheless, receive during the year one thousand seven hundred and ninety-one, a rate per centum on the respective amount of their respective demands, including interest to the last day of December next, equal to the interest payable to subscribing creditors, to be paid at the same times, at the same places, and by the same persons as is herein before directed, concerning the interest on the stock which may be created in virtue of the said proposed loan. But as some of the certificates now in circulation have not heretofore been liquidated to specie value, as most of them are greatly subject to counterfeit, and counterfeits have actually taken place in numerous instances, and as embarrassments and imposition might, for these reasons, attend the payment of interest on those certificates in their present form, it shall therefore be necessary to entitle the said creditors to the benefit of the said payment, that those of them who do not possess certificates issued by the Register of the Treasury for the registered debt, should produce, previous to the said first day of June next, their respective certificates either at the Treasury of the United States, or to some one of the commissioners to be appointed as aforesaid, to the end that the same may be cancelled, and other certificates issued in lieu thereof; which new certificates shall specify the specie amount of those in exchange for which they are given, and shall be otherwise of the like tenor with those heretofore issued by the said Register of the Treasury for the said registered debt, and shall be transferable on the like principles with those directed to be issued on account of the subscriptions to the loan hereby proposed.

SECT. XI. *And be it further enacted*, That the commissioners who shall be appointed pursuant to this act, shall respectively be entitled to the

the following yearly salaries, that is to say : The Commissioner for the State of New Hampshire, six hundred and fifty dollars ; the Commissioner for the State of Massachusetts, fifteen hundred dollars ; the Commissioner for the State of Rhode Island and Providence Plantations, six hundred dollars ; the Commissioner for the State of Connecticut, one thousand dollars ; the Commissioner for the State of New York, fifteen hundred dollars ; the Commissioner for the State of New Jersey, seven hundred dollars ; the Commissioner for the State of Pennsylvania, fifteen hundred dollars ; the Commissioner for the State of Delaware, six hundred dollars ; the Commissioner for the State of Maryland, one thousand dollars ; the Commissioner for the State of Virginia, fifteen hundred dollars ; the Commissioner for the State of North Carolina, one thousand dollars ; the Commissioner for the State of South Carolina, one thousand dollars ; the Commissioner for the State of Georgia, seven hundred dollars ; which salaries shall be in full compensation for all services and expences.

SECT. XII. *And be it further enacted*, That the said Commissioners, before they enter upon the execution of their several offices, shall respectively take an oath or affirmation for the diligent and faithful execution of their trust, and shall also become bound with one or more sureties, to the satisfaction of the Secretary of the Treasury, in a penalty not less than five thousand, nor more than ten thousand dollars, with condition for their good behaviour in their said offices respectively.

And whereas a provision for the debts of the respective States by the United States would be greatly conducive to an orderly, æconomical, and effectual arrangement of the public finances ;

SECT. XIII. *Be it therefore further enacted*, That a loan be proposed to the amount of twenty-one million and five hundred thousand dollars ; and that subscriptions to the said loan be received at the same time and places, and by the same persons, as in respect to the loan herein before proposed concerning the domestic debt of the United States. And the sums which shall be subscribed to the said loan, shall be payable in the principal and interest of the certificates or notes, which, prior to the said first day of January last, were issued by the respective States, as acknowledgments or evidences of debts by them respectively owing ; except certificates issued by the commissioners of army accounts in the State of North Carolina, in the year one thousand seven hundred and eighty-six.

Provided, That no greater sum shall be received in the certificates of any State, than, as follows ; that is to say,

In those of *New Hampshire*, three hundred thousand dollars.

In those of *Massachusetts*, four millions of dollars.

In those of *Rhode Island and Providence Plantations*, two hundred thousand dollars.

In those of *Connecticut*, one million six hundred thousand dollars.

In those of *New York*, one million two hundred thousand dollars.

In those of *New Jersey*, eight hundred thousand dollars.

In those of *Pennsylvania*, two million two hundred thousand dollars.

In those of *Delaware*, two hundred thousand dollars.

In those of *Maryland*, eight hundred thousand dollars.

In those of *Virginia*, three million five hundred thousand dollars.

In those of *North Carolina*, two million four hundred thousand dollars.

In those of *South Carolina*, four million of dollars.

In those of *Georgia*, three hundred thousand dollars.

And provided, That no such certificate shall be received, which, from the tenor thereof, or from any public record, act, or document, shall appear

appear or can be ascertained to have been issued for any purpose other than compensations and expenditures for services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof during the same.

SECT. XIV. *Provided also, and be it further enacted,* That if the total amount of the sums which shall be subscribed to the said loan in the debt of any State, within the time limited for receiving subscriptions thereto, shall exceed the sum by this act allowed to be subscribed within such State, the certificates and credits granted to the respective subscribers, shall bear such proportion to the sums by them respectively subscribed, as the total amount of the said sums shall bear to the whole sum so allowed to be subscribed in the debt of such State within the same. And every subscriber to the said loan shall, at the time of subscribing, deposit with the commissioner the certificates or notes to be loaned by him.

SECT. XV. *And be it further enacted,* That for two-thirds of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal and interest of the certificates or notes issued as aforesaid by the respective States, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, or his, her, or their assigns, a sum, to be expressed therein, equal to two-thirds of the aforesaid two-thirds, bearing an interest of six per centum per annum, payable quarter-yearly, and subject to redemption by payments, not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and to another certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum, to be expressed therein, equal to the proportion of thirty-three dollars and one-third of a dollar, upon a hundred of the said two-thirds of such sum so subscribed, which, after the year one thousand eight hundred, shall bear an interest of six per centum per annum, payable quarter-yearly, and subject to redemption by payments not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and that for the remaining third of any sum so subscribed, the subscriber or subscribers shall be entitled to a certificate purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum, to be expressed therein, equal to the said remaining third, bearing an interest of three per cent. per annum, payable quarter-yearly, and subject to redemption, by payment of the sum specified therein, whenever provision shall be made by law for that purpose.

SECT. XVI. *And be it further enacted,* That the interest upon the certificates which shall be received in payment of the sums subscribed towards the said loan, shall be computed to the last day of the year one thousand seven hundred and ninety-one inclusively; and the interest upon the stock which shall be created by virtue of the said loan, shall commence, or begin to accrue, on the first day of the year one thousand seven hundred and ninety-two, and shall be payable quarter-yearly, at the same time, and in like manner, as the interest on the stock be created by virtue of the loan above proposed in the domestic debt of the United States.

SECT. XVII. *And be it further enacted,* That if the whole sum allowed to be subscribed in the debt or certificates of any State, as aforesaid, shall not be subscribed within the time for that purpose limited,

mitted, such State shall be entitled to receive, and shall receive, from the United States, an interest per centum per annum, upon so much of the said sum as shall not have been so subscribed, equal to that which would have accrued on the deficiency, had the same been subscribed in trust for the non-subscribing creditors of such State, who are holders of certificates or notes issued on account of services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof, to be paid in like manner as the interest on the stock which may be created by virtue of the said loan, and to continue until there shall be a settlement of accounts between the United States and the individual States; and in case a balance shall then appear in favour of such State, until provision shall be made for the said balance. But as certain States have respectively issued their own certificates, in exchange for those of the United States, whereby it might happen that interest might be twice payable on the same sums.

SECT. XVIII. *Be it further enacted*, That the payment of interest, whether to States or to individuals, in respect to the debt of any State, by which such exchange shall have been made, shall be suspended, until it shall appear to the satisfaction of the Secretary of the Treasury that certificates issued for that purpose by such State have been re-exchanged or redeemed, or until those which shall not have been re-exchanged or redeemed, shall be surrendered to the United States.

SECT. XIX. *And be it further enacted*, That so much of the debt of each State as shall be subscribed to the said loan, and the monies (if any) that shall be advanced to the same, pursuant to this act, shall be a charge against such State, in account with the United States.

SECT. XX. *And be it further enacted*, That the monies arising under the revenue laws, which have been, or during the present session of Congress may be passed, or so much thereof as may be necessary, shall be and are hereby pledged and appropriated for the payment of the interest on the stock which shall be created by the loans aforesaid, pursuant to the provisions of this act, first paying that which shall arise on the stock created by virtue of the said first-mentioned loan, to continue so pledged and appropriated, until the final redemption of the said stock, any law to the contrary notwithstanding, subject nevertheless to such reservations and priorities as may be requisite to satisfy the appropriations heretofore made, and which, during the present session of Congress, may be made by law, including the sums hereinbefore reserved and appropriated; and to the end that the said monies may be inviolably applied, in conformity to this act, and may never be diverted to any other purpose, an account shall be kept of the receipts and disposition thereof, separate and distinct from the produce of any other duties, imports, excises, and taxes whatsoever, except such as may be hereafter laid to make good any deficiency which may be found in the product hereof towards satisfying the interest aforesaid.

SECT. XXI. *And be it further enacted*, That the faith of the United States be, and the same is hereby pledged to provide and appropriate hereafter such additional and permanent funds as may be requisite towards supplying any such deficiency, and making full provision for the payment of the interest which shall accrue on the stock to be created by virtue of the loans aforesaid, in conformity to the terms thereof respectively, and according to the tenor of the certificates to be granted for the same, pursuant to this act.

SECT. XXII. *And be it further enacted*, That the proceeds of the sales which shall be made of lands in the western territory, now belonging,

ngoing, or that may hereafter belong to the United States, shall be and are hereby appropriated towards sinking or discharging the debts for the payment whereof the United States now are, or, by virtue of this act, may be holden, and shall be applied solely to that use until the said debts shall be fully satisfied.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States, and President of the Senate.*

Approved, August 4, 1790.

GEORGE WASHINGTON,
President of the United States.

CHAPTER XLVII.

An ACT making Provision for the Reduction of the PUBLIC DEBT.

It being desirable, by all just and proper means, to effect a reduction of the amount of the Public Debt, and as the application of such surplus of the revenue as may remain, after satisfying the purposes for which appropriations shall have been made by law, will not only contribute to that desirable end, but will be beneficial to the creditors of the United States, by raising the price of their stock, and be productive of considerable saving to the United States :

SECT. I. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That all such surplus of the product of the duties on goods, wares, and merchandize, imported, and on the tonnage of ships or vessels to the last day of December next, inclusively, as shall remain, after satisfying the several purposes for which appropriations shall have been made by law, to the end of the present session, shall be applied to the purchase of the debt of the United States, at its market price, if not exceeding the par or true value thereof.

SECT. II. *And be it further enacted,* That the purchases to be made of the said debt shall be made under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General for the time being; and who, or any three of whom, with the approbation of the President of the United States, shall cause the said purchases to be made in such manner and under such regulations as shall appear to them best calculated to fulfil the intent of this act: *Provided,* That the same be made openly and with due regard to the equal benefit of the several States. *And provided further,* That, to avoid all risk or failure, or delay, in the payment of interest stipulated to be paid for and during the year 1791, by the act intitled, "An Act making Provision for the Debt of the United States," such reservations shall be made of the said surplus as may be necessary to make good the said payments as they shall respectively become due, in case of deficiency in the amount of the receipts into the treasury during the said year, on account of the duties on goods, wares, and merchandize, imported, and the tonnage of ships or vessels, after the last day of December next.

SECT. III. *And be it further enacted,* That accounts of the application of the said monies shall be rendered for settlement as other public accounts, accompanied with the returns of the amount of the said debt

APPENDIX L.

debt purchased therewith, at the end of every quarter of a year, to be computed from the time of commencing the purchases aforesaid; and that a full and exact report of the proceedings of the said five persons, or any three of them, including a statement of the disbursements and purchases made under their direction, specifying the times thereof, the prices at which, and the parties from whom the same may be made, shall be laid before Congress, within the first 14 days of each session which may ensue the present, during the execution of their said trust.

SECT. IV. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause to be borrowed, on behalf of the United States, a sum or sums, not exceeding in the whole two millions of dollars, at an interest not exceeding five per cent.; and that the sum or sums so borrowed be also applied to the purchase of the said debt of the United States, under the like direction, in the like manner, and subject to the like regulations and restrictions, with the surplus aforesaid. *Provided*, That out of the interest arising on the debt to be purchased in manner aforesaid, there shall be appropriated and applied a sum not exceeding the rate of eight per cent. per annum, on account both of principal and interest, towards the repayment of the two millions of dollars so to be borrowed.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, August 12, 1790.

GEORGE WASHINGTON,
President of the United States.

APPENDIX L.

THE ARTS.

An ACT to promote the Progress of useful Arts, and to repeal the Act heretofore made for that Purpose.

SECT. I. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That when any person or persons, being a citizen or citizens of the United States, shall alledge that he or they have invented any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture, or composition of matter, not known or used before the application, and shall present a petition to the Secretary of State, signifying a desire of obtaining an exclusive property in the same, and praying that a patent may be granted therefor, it shall and may be lawful for the said Secretary of State to cause letters patent to be made out in the name of the United States, bearing test by the President of the United States, reciting the allegations and suggestions

suggestions of the said petition, and giving a short description of the said invention or discovery, and thereupon granting to such petitioner or petitioners, his, her, or their heirs, administrators, or assigns, for a term not exceeding fourteen years, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said invention or discovery, which letters patent shall be delivered to the Attorney General of the United States, to be examined; who, within fifteen days after such delivery, if he finds the same conformable to this act, shall certify accordingly, at the foot thereof, and return the same to the Secretary of State, who shall present the letters patent, thus certified, to be signed, and shall cause the seal of the United States to be thereto affixed; and the same shall be good and available to the grantee or grantees, by force of this act, and shall be recorded in a book, to be kept for that purpose in the office of the Secretary of State, and delivered to the patentee, or his order.

SECT. II. *Provided always, and be it further enacted*, That any person who shall have discovered an improvement in the principle of any machine, or in the process of any composition of matter, which shall have been patented, and shall have obtained a patent for such improvement, he shall not be at liberty to make, use, or vend the original discovery, nor shall the first inventor be at liberty to use the improvement. *And it is hereby enacted and declared*, That simply changing the form or the proportions of any machine, or composition of matter, in any degree, shall not be deemed a discovery.

SECT. III. *And be it further enacted*, That every inventor, before he can receive a patent, shall swear or affirm that he does verily believe that he is the true inventor or discoverer of the art, machine, or improvement, for which he solicits a patent, which oath or affirmation may be made before any person authorized to administer oaths, and shall deliver a written description of his invention, and of the manner of using, or process of compounding the same, in such full, clear, and exact terms as to distinguish the same from all other things before known, and to enable any person skilled in the art or science, of which it is a branch, or with which it is most nearly connected, to make, compound, and use the same. And in the case of any machine, he shall fully explain the principle, and the several modes, in which he has contemplated the application of that principle or character, by which it may be distinguished from other inventions; and he shall accompany the whole with drawings and written references, where the nature of the case admits of drawings, or with specimens of the ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention is of a composition of matter; which description, signed by himself, and attested by two witnesses, shall be filed in the office of the Secretary of State, and certified copies thereof shall be competent evidence, in all courts, where any matter or thing touching such patent right shall come in question. And such inventor shall, moreover, deliver a model of his machine, provided the Secretary shall deem such model to be necessary.

SECT. IV. *And be it further enacted*, That it shall be lawful for any inventor, his executor or administrator, to assign the title and interest in the said invention at any time, and the assignee having recorded the said assignment in the office of the Secretary of State, shall thereafter stand in the place of the original inventor, both as to right and responsibility, and so the assignees of assigns, to any degree.

SECT. V. *And be it further enacted*, That if any person shall make, devise, and use, or sell the thing so invented, the exclusive right of which shall, as aforesaid, have been secured to any person by patent,

without the consent of the patentee, his executors, administrators, or assigns, first obtained in writing, every person so offending, shall forfeit and pay to the patentee, a sum that shall be at least equal to three times the price for which the patentee has usually sold or licensed to other persons the use of the said invention, which may be recovered in an action on the case founded on this act, in the circuit court of the United States, or any other court having competent jurisdiction.

SECT. VI. *Provided always, and be it further enacted*, That the defendant in such action shall be permitted to plead the general issue, and give this act, and any special matter, of which notice in writing may have been given to the plaintiff or his attorney, thirty days before trial, in evidence, tending to prove that the specification, filed by the plaintiff, does not contain the whole truth relative to his discovery, or that it contains more than is necessary to produce the described effect, which concealment or addition shall fully appear to have been made, for the purpose of deceiving the public, or that the thing thus secured by patent, was not originally discovered by the patentee, but had been in use, or had been described in some public work, anterior to the supposed discovery of the patentee, or that he had surreptitiously obtained a patent for the discovery of another person: in either of which cases judgment shall be rendered to the defendant, with costs, and the patent shall be declared void.

SECT. VII. *And be it further enacted*, That where any State, before its adoption of the present form of government shall have granted an exclusive right to any invention, the party claiming that right shall not be capable of obtaining an exclusive right under this act, but on relinquishing his right under such particular State, and of such relinquishment, his obtaining an exclusive right under this act shall be sufficient evidence.

SECT. VIII. *And be it further enacted*, That the persons whose applications for patents were, at the time of passing this act, depending before the Secretary of State, Secretary at War, and Attorney General, according to the act passed the second session of the first Congress, intituled "An Act to promote the progress of useful Arts," on complying with the conditions of this act, and paying the fees herein required, may pursue their respective claims to a patent under the same.

SECT. IX. *And be it further enacted*, That in case of interfering applications, the same shall be submitted to the arbitration of three persons, one of whom shall be chosen by each of the applicants, and the third person shall be appointed by the Secretary of State; and the decision and award of such arbitrators, delivered to the Secretary of State in writing, and subscribed by them or any two of them, shall be final, as far as respects the granting of the patent. And if either of the applicants shall refuse, or fail to chuse an arbitrator, the patent shall issue to the opposite party. And where there shall be more than two interfering applications, and the parties applying shall not all unite in appointing three arbitrators, it shall be in the power of the Secretary of State to appoint three arbitrators for the purpose.

SECT. X. *And be it further enacted*, That upon oath or affirmation being made before the Judge of the district court, where the patentee, his executors, administrators, or assigns, reside, that any patent which shall be issued in pursuance of this act, was obtained surreptitiously, or upon false suggestion, and motion made to the said court, within three years after issuing the said patent, but not afterwards, it shall and may be lawful for the Judge of the said district court, if the
matter

matter alledged shall appear to him to be sufficient, to grant a rule, that the patentee, or his executor, administrator, or assign, shew cause why process should not issue against him to repeal such patent. And if sufficient cause shall not be shewn to the contrary, the rule shall be made absolute, and thereupon the said Judge shall order process to be issued against such patentee, or his executors, administrators, or assigns, with costs of suit. And in case no sufficient cause shall be shewn to the contrary, or if it shall appear that the patentee was not the true inventor or discoverer, judgment shall be rendered by such court for the repeal of such patent: and if the party at whose complaint the process issued shall have judgment issued against him, he shall pay all such costs as the defendant shall be put to in defending the suit, to be taxed by the court, and recovered in due course of law.

SECT. XI. *And be it further enacted*, That every inventor, before he presents his petition to the Secretary of State, signifying his desire of obtaining a patent, shall pay into the Treasury 30 dollars, for which he shall take duplicate receipts; one of which receipts he shall deliver to the Secretary of State when he presents his petition: and the money thus paid shall be in full for the sundry services to be performed in the office of the Secretary of State consequent on such petition, and shall pass to the account of clerk-hire in that office. *Provided nevertheless*, That for every copy which may be required at the said office, of any paper respecting any patent that has been granted, the person obtaining such copy shall pay at the rate of twenty cents for every copy-sheet of 100 words; and for every copy of a drawing, the party obtaining the same shall pay two dollars; of which payments an account shall be rendered annually to the treasury of the United States, and they shall also pass to the account of clerk-hire in the office of the Secretary of State.

SECT. XII. *And be it further enacted*, That the act passed the 10th day of April, 1790, intituled "An Act to promote the Progress of useful Arts," be, and the same is hereby repealed. *Provided always*, that nothing contained in this act, shall be construed to invalidate any patent that may have been granted under the authority of the said act; and all patentees under the said act, their executors, administrators and assigns, shall be considered within the purview of this act, in respect to the violation of their rights: provided such violation shall be committed after the passing of this act.

JONATHAN TRUMBULL, *Speaker of the House
of Representatives.*

JOHN ADAMS, *Vice President of the United States,
and President of the Senate.*

Approved, February 21, 1793.

GEO. WASHINGTON,
President of the United States.

APPENDIX M.

THIRD CONGRESS OF THE UNITED STATES.

At the First Session, begun and held at the City of Philadelphia, in the State of Pennsylvania, on Monday the second of December, one thousand seven hundred and ninety-three.

An ACT making an Alteration in the Flag of the United States.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of May, Anno Domini one thousand seven hundred and ninety-five, the Flag of the United States be fifteen stripes, alternate red and white. That the Union be fifteen stars, white in a blue field.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

JOHN ADAMS, *Vice President of the United States,*
and President of the Senate.

Approved, January 13, 1794.

GEORGE WASHINGTON,
President of the United States.

Deposited among the Rolls, in the Office of the Secretary of State,

EDM. RANDOLPH, *Secretary of State.*

*An ACT in addition to the Act for the Punishment of certain Crimes against the United States.**

SECT. I. *BE it enacted and declared by the Senate and House of Representatives of the United States of America, in Congress assembled, That if any citizen of the United States shall within the territory or jurisdiction of the same accept and exercise a commission to serve a foreign Prince or State in war by land or sea, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than two thousand dollars, and shall be imprisoned not exceeding three years.*

SECT. II. *And be it further enacted and declared, That if any person shall within the territory or jurisdiction of the United States enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States, with intent to be enlisted or entered in the service of any foreign Prince or State as a soldier, or as a marine or seaman on board of any vessel of war, letter of marque or privateer, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding one thousand dollars, and be imprisoned not exceeding three*

* See Page 68, Appendix I.

years.

years. *Provided*, That this shall not be construed to extend to any subject or citizen of any foreign Prince or State who shall transiently be within the United States and shall on board of any vessel of war, letter of marque or privateer, which at the time of its arrival within the United States was fitted and equipped as such, enlist or enter himself, or hire or retain another subject or citizen of the same foreign Prince or State, who is transiently within the United States, to enlist or enter himself to serve such Prince or State on board such vessel of war, letter of marque or privateer, if the United States shall then be at peace with such Prince or State. *And provided further*, That if any person so enlisted shall within thirty days after such enlistment voluntarily discover upon oath to some justice of the peace or other civil magistrate, the person or persons by whom he was so enlisted, so as that he or they may be apprehended and convicted of the said offence; such person so discovering the offender or offenders shall be indemnified from the penalty prescribed by this act.

SECT. III. *And be it further enacted and declared*, That if any person shall within any of the ports, harbours, bays, rivers, or other waters of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming, of any ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign Prince or State, to cruise or commit hostilities upon the subjects, citizens or property of another foreign Prince or State with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States, for any ship or vessel, to the intent that she may be employed as aforesaid, every such person so offending shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so as the fine to be imposed shall in no case be more than five thousand dollars, and the term of imprisonment shall not exceed three years: and every such ship or vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited, one half to the use of any person who shall give information of the offence, and the other half to the use of the United States.

SECT. IV. *And be it further enacted and declared*, That if any person shall within the territory or jurisdiction of the United States increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting the force of any ship of war, cruiser, or other armed vessel, which at the time of her arrival within the United States was a ship of war, cruiser or armed vessel in the service of a foreign Prince or State, or belonging to the subjects or citizens of such Prince or State, the same being at war with another foreign Prince or State, with whom the United States are at peace, by adding to the number or size of the guns of such vessel prepared for use, or by the addition thereto of any equipment solely applicable to war, every such person so offending shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so as that such fine shall not exceed one thousand dollars, nor the term of imprisonment be more than one year.

SECT. V. *And be it further enacted and declared,* That if any person shall within the territory or jurisdiction of the United States begin or set on foot, or provide or prepare the means for any military expedition or enterprize to be carried on from thence against the territory or dominions of any foreign Prince or State with whom the United States are at peace, every such person so offending, shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall suffer fine and imprisonment at the discretion of the court in which the conviction shall be had, so as that fine shall not exceed three thousand dollars, nor the term of imprisonment be more than three years.

SECT. VI. *And be it further enacted and declared,* That the district courts shall take cognizance of complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof.

SECT. VII. *And be it further enacted and declared,* That in every case in which a vessel shall be fitted out and armed, or attempted so to be fitted out or armed, or in which the force of any vessel of war, cruiser, or other armed vessel, shall be increased or augmented, or in which any military expedition or enterprize shall be begun or set on foot, contrary to the prohibitions and provisions of this act; and in every case of the capture of a ship or vessel within the jurisdiction or protection of the United States, as above defined, and in every case in which any process issuing out of any courts of the United States, shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser, or other armed vessel, of any foreign Prince or State, or of the subjects or citizens of such Prince or State; in every such case, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be judged necessary for the purpose of taking possession of and detaining any such ship or vessel, with her prize or prizes, if any, in order to the execution of the prohibitions and penalties of this act, and to the restoring such prize or prizes, in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprize from the territories of the United States against the territories or dominions of a foreign Prince or State with whom the United States are at peace.

SECT. VIII. *And be it further enacted and declared,* That it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign ship, or vessel, to depart the United States, in all cases in which by the laws of nations or the treaties of the United States they ought not to remain within the United States.

SECT. IX. *And be it further enacted,* That nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason or any piracy defined by a treaty or other law of the United States.

SECT.

SECT. X. *And be it further enacted*, That this act shall continue and be in force for and during the term of two years, and from thence to the end of the next session of Congress, and no longer.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

RALPH IZARD, *President of the Senate, pro tempore.*

Approved, June 5, 1794:

GEORGE WASHINGTON,
President of the United States.

Deposited among the Rolls, in the office of the Secretary of State,

EDM. RANDOLPH, *Secretary of State.*

An ACT supplementary to the Act intituled "An Act to promote the Progress of Useful Arts."

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That all suits, actions, process and proceedings, heretofore had in any district court of the United States, under an act passed the tenth day of April, in the year one thousand seven hundred and ninety, intituled "An Act to promote the Progress of Useful Arts," which may have been set aside, suspended, or abated, by reason of the repeal of the said act, may be restored, at the instance of the plaintiff or defendant, within one year from and after the passing of this act, in the said courts, to the same situation in which they may have been when they were so set aside, suspended, or abated; and that the parties to the said suits, actions, process, or proceedings, be, and are hereby intitled to proceed in such cases, as if no such repeal of the act aforesaid had taken place. *Provided always*, That before any order or proceeding, other than that for continuing the same suits, after the reinstating thereof, shall be entered or had, the defendant or plaintiff, as the case may be against whom the same may have been reinstated, shall be brought into court by summons, attachment, or such other proceeding, as is used in other cases, for compelling the appearance of a party.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

RALPH IZARD, *President of the Senate, pro tempore.*

Approved, June 7, 1794.

GEORGE WASHINGTON,
President of the United States.

Deposited among the Rolls, in the office of the Secretary of State,

EDM. RANDOLPH, *Secretary of State.*

* See Page 82, Appendix L.

*An ACT making certain Alterations in the Act for establishing the Judicial Courts, and altering the Time and Place of holding certain Courts.**

SECT. I. *BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the district Judges of the United States be authorized to appoint a Commissioner or Commissioners, before whom appraisers of ships or vessels, or goods, wares and merchandize, seized for breaches of any law of the United States, may be sworn or affirmed; and that such qualifications made before such Commissioner or Commissioners shall be, to all intents and purposes, as effectual as if the same were taken before the said Judges in open court.

SECT. II. *And be it further enacted,* That the stated terms of the district courts of Massachusetts, Pennsylvania, and Georgia, be changed, and that, in future, the said courts in Massachusetts shall be held on the third Tuesday in March, the fourth Tuesday in June, the second Tuesday in September, and the first Tuesday in December; in Pennsylvania, on the third Mondays in February, May, August and November; and in Georgia, at the times and places following; in the city of Savannah, on the second Tuesdays in February, May and August; and in Augusta, on the second Tuesday in November: and that the circuit court of the district of Delaware hereafter commence on the second Monday in June, instead of the twenty-seventh day of April, any law to the contrary notwithstanding.

SECT. III. *And be it further enacted,* That the State of North Carolina shall be divided into three districts, in which the district court of the said State shall be held at such times and places as are already ascertained by law, that is to say, the district of Wilmington to include all the counties of the State districts of Morgan, Salisbury, Fayetteville and Wilmington:—the district of Newbern to include all the counties of the State districts of Hillsborough, Halifax and Newbern; and Edenton to include all the counties of the district of Edenton: and that all process, pleas, actions, suits, and other proceedings, originating in the districts, respectively, shall be returnable to the session of said court to be held at the place directed by law, within the same district where the cause commenced, and there to be kept with the record thereof, until the final end and determination of the same. And, to the end that suitors, witnesses and all others concerned, may have notice of this alteration in the said courts, the Marshal of the said district of North Carolina is hereby required to make the same known by proclamation, on or before the first day of August next.

SECT. IV. *And be it further enacted,* That any person living within either of the districts aforesaid, who hereafter shall be arrested, by virtue of process issuing out of the court of either of the said districts, other than that in which he shall so reside, shall be discharged therefrom, on his entering his appearance, and giving bail to the action, in the court of the district in which he shall so reside, in like manner, and to the like effect, as if the said process had originally been issued out of the court within the said last-mentioned district.

SECT. V. *And be it further enacted,* That all process, actions, pleas, suits, and other proceedings, which have been commenced and returned to the separate several sessions of the district court, at such places appointed by law for holding thereof, shall be tried at the place in each district where the same were first made returnable.

SECT. VI. *And be it further enacted,* That the clerk of said district court shall, at each of the places aforesaid, keep a distinct docket and record of such business, returnable as aforesaid, or which may be returned to the session to be held at the said places, respectively, at which places of return the said business shall be finally heard and determined as aforesaid.

SECT. VII. *And be it further enacted,* That so much of the act to establish the judicial courts of the United States as is, or may be construed to require the attendance of the Marshals of all the districts, at the supreme court, shall be, and the same is hereby repealed: and that the said court shall be attended, during its session, by the Marshal of the district only in which the court shall sit, unless the attendance of the Marshals of other districts shall be required by special order of the said court.

SECT. VIII. *And be it further enacted,* That from and after the last day of September next, the district court for the State of Kentucky shall be held in the town of Frankfort, any thing in any former act to the contrary notwithstanding.

FREDERICK AUGUSTUS MUHLENBERG,
Speaker of the House of Representatives.

RALPH IZARD, *President of the Senate, pro tempore.*

Approved, June 9, 1794.

GEORGE WASHINGTON,
President of the United States.

Deposited among the Rolls, in the office of the Secretary of State,

EDM. RANDOLPH, *Secretary of State.*

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